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Welfare Reform '95

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Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Transitional Assistance

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CONTENTS

I. Executive Summary

II. Program Description

Definitions	II-1
Exemptions	II-4
Requirement to Redetermine Eligibility of all Recipients	II-6
Initial Assessment/Employment Development Plan	II-7
The Work Program	II-10
The Community Service Program	II-12
The Full Employment Program	II-13
The MassJOBS Program	II-17
Employment Incentives	II-19
Time-Limited Benefits	II-20
Family Cap/Child of Record	II-24
Categorical Eligibility Based on Disability	II-27
100-Hour Rule	II-28
Paternity Identification and Determination of Good Cause	II-29
Teen Parents: Structured Living	II-31
Teen Parents: School Attendance	II-32
Teen Parents: Grandparent Deeming	II-32
Learnfare	II-33
Immunization Requirement	II-35
Program Sanctions	II-36
Direct Payment of Rent to Landlords	II-41
Increase in Asset Limit	II-43
Treatement of Motor Vehicles	II-43
Lump Sum Income	II-43
Increased Penalties for Fraud	II-44
Release of Program Information	II-46
Report on Individuals with Default Warrants	II-46
Clothing Allowance as a Voucher	II-47
Supportive Services	II-48
Community Service for Absent Parents	II-50
Direct Deposit	II-50

III. Waiver Citations

IV. Evaluation Plan

Attachments

A. EAEDC Medical Standards
B. Proposed Need/Payment Standards
C. Massachusetts Fraud Provisions
D. Massachusetts Welfare Reform Legislation (Ch. 5 of the Acts of 1995)

EXECUTIVE SUMMARY

On February 10, 1995, Governor William F. Weld signed into law sweeping welfare reform legislation. This law, Chapter 5 of the Acts of 1995, was the result of bipartisan efforts over the past two years to replace the existing AFDC program in Massachusetts.

The reform plan, among the boldest and most far-reaching in the nation, will replace traditional cash assistance with work or community service requirements for all able-bodied AFDC recipients with school-age children. Incentives for employment are broadened to help families make the transition to work. A two-year limit on benefits for all non-exempt families is established, and benefit levels based on family size are capped. Child support enforcement is strengthened, and efforts to reduce fraud are enhanced. Finally, teen parents are required to complete school and live in an appropriate setting.

Implementation of this program will mark a turning point for low-income families in Massachusetts. The legislation provides benefits to support recipients who work and transforms a system that fosters dependency into one that promotes self-sufficiency. The results will be far reaching, for parents on AFDC, for their children, and for the taxpayers of the Commonwealth. In keeping with the philosophy of this reform plan, the Department of Public Welfare has been renamed the Department of Transitional Assistance.

PROGRAM OBJECTIVES

- To require work and individual responsibility.
- To make public assistance transitional in nature, assisting families in crisis without allowing welfare to become a way of life.
- To maintain and strengthen family life.
- To encourage teenage parents to live with their families or in supportive living situations, and to attain basic educational achievements.

THE NEED FOR AFDC REFORM

The need for change to the current welfare system is widely recognized. The AFDC program offers perverse incentives, and frequently fosters inappropriate behavior. As a result, the AFDC program faces a number of problems, including:

Lack of Attachment to the Work Force

More and more parents, both in two-parent and single-parent households, are now working. Over the last ten years, two-parent working families have become the norm, rather than the exception, as many couples, even those with young children, realize that both parents must work to support their families. In 1980, fewer than half the women in two-parent households worked; now 67 percent of mothers in two-parent families with children under the age of 18 are employed. Moreover, 66 percent of one-parent families are in the work force.

In contrast, only 8 percent of Massachusetts AFDC household heads are employed. Even in 1988, with the Commonwealth's Employment and Training Program in full force, and the unemployment rate in Massachusetts approaching full employment, more than 83,600 families remained on welfare. Despite the availability of jobs and job training, thousands of families went on welfare, and remained on welfare.

Taxpayers cannot be expected to shoulder the burden of taxes to support other parents who can, but do not, work. It is unacceptable social policy to expect some individuals to postpone childbearing until they can afford to have a family, or to work while they are raising their children, while we support other individuals who have children they cannot afford to support, or who choose to stay at home rather than accept the responsibility of supporting the children they have.

Long-Term Welfare Use

Although most people would agree that financial assistance should be available to help families through a period of crisis, there is growing concern that AFDC has become a way of life for too many families. The current system places no limit on the duration of assistance, except that dependent children must be under 18 years of age. Today, more than half of the families on AFDC in Massachusetts have received assistance for more than three years, and according to national data, more than two-thirds of the families currently receiving AFDC will receive welfare for eight years or more.

Massachusetts' welfare reform proposal is designed to ensure that all able-bodied parents support their families by becoming productive members of the work force, even if they work in community service or entry-level jobs. The Department recognizes that in order to achieve this goal, AFDC must be transformed into a transitional assistance program, which assists able-bodied recipients until they can enter or re-enter the work force.

Intergenerational Dependency

The current welfare system not only fosters parents' dependence on welfare as a way of life, it can also affect children. A number of studies have shown that the likelihood that children from welfare families will receive AFDC as adults is twice as high as the probability for children from non-welfare families. A preliminary review for Massachusetts indicates that more than 20,000 parents currently heading AFDC households were themselves children in an AFDC household in Massachusetts during the last decade.

There can be no doubt that children learn from their parents and from those around them. Children who grow up in families and communities where their parents and neighbors do not work fail to realize that other opportunities are available to them, and often adopt welfare dependence as an acceptable lifestyle.

Increased Out-of-Wedlock Births

The percentage of children born to unmarried single parents has grown dramatically over the last several decades, and research demonstrates that unmarried parents are at enormous risk of long-term welfare dependence. Thirty-nine percent of births to women aged 20 to 24 were to unmarried women in 1991, compared to nine percent in 1970. Moreover, the increase in births to unmarried women of all ages has increased. The total number of non-marital births to women of all ages in the United States was 89,500 in 1940. In 1991 the figure rose to 1,213,800. The current welfare system does nothing to discourage this trend, despite the fact that single-parenthood dramatically increases the likelihood that an individual will require public assistance. In fact, the Bureau of the Census reports that women on welfare have more children than women who do not receive such assistance, with fertility rates of about 2.6 children and 2.1 children, respectively.

but you can only be on welfa if you have a child

The availability of welfare benefits and other welfare supports for teen parents has also helped to fuel births to unwed teens. In 1970, 30 percent of all children born to mothers 19 or younger were born to unmarried women; in 1992, this figure reached 88 percent in Massachusetts. Massachusetts currently ranks higher than any other state in the country in the percentage of births to teens that occur outside of marriage. The current welfare system exacerbates this problem by providing teen parents with a larger grant if they live on their own than if they live with their parents. In so doing, it encourages teen parents to set up their own households when they are not financially or emotionally prepared to do so.

Massachusetts' demonstration seeks to reorder the priorities of the welfare system. By integrating AFDC recipients into the work force, we can begin to break the cycle of dependence and eliminate the inequities wrought by our current system.

MAJOR REFORM INITIATIVES

Work Requirements: Able-bodied AFDC parents who are non-exempt and whose child of record is of school age must work 20 hours per week. This will include approximately 20,000 recipients.

Time Limits: Assistance is limited to 24 months in a 60-month period. Those participating in an approved education or training program as of January 1, 1995 will continue to receive benefits until they complete the program (with certain exceptions).

Exemptions: Those recipients exempt from the time-limit and the work requirement include:

- Disabled parents;
- Parents caring for disabled children or a disabled spouse;
- Parents with a child of record (the youngest child in the household when a family applies for assistance) under the age of two;
- Women in their third trimester of pregnancy;
- Parents with any child under three months;
- Parents under 20 attending high school; and
- Caretaker relatives.

Benefit Reduction: In order to encourage employment, all non-exempt recipients will be subject to a 2.75 percent reduction in cash assistance benefits (approximately $15 per month for a family of three).

Work Incentives: All families subject to the 2.75 percent benefit reduction will be permitted to retain more of their earned income. The current four-month $30 and one-third disregard is increased to $30 plus one-half of earned income. Exempt parents will still keep $30 plus one-third of earned income. In both cases, the deduction will remain in place for as long as a family is eligible for assistance.

Community Service: Able-bodied recipients with school-age children who seek paid employment but cannot find it must work a minimum of 20 hours in a community service position in exchange for assistance.

Employer Subsidies: The Full Employment Program is established to help finance employment opportunities for welfare recipients. Recipients who volunteer for the Full Employment Program will receive wages from their employer, plus a supplement from the Department, if necessary, to bring their income up to the level of AFDC and Food Stamp benefits. The state will pay participating employers $3.50 per hour for each recipient for a period of nine months, and $2.50 per hour for three additional months. An employer who hires a former recipient into non-subsidized employment receives a state tax credit of $100 per month for a maximum of 12 months.

Teen Parents: As a condition of eligibility, parents under the age of 20 must have a high school diploma or GED, or be in a program to obtain one. In addition, they will be required to live in the home of a parent or responsible adult relative or, if there is abuse or neglect at home, in a supervised, structured setting.

Paternity Establishment/Child Support: The plan strengthens requirements for establishing paternity, and requires the Department of Revenue to certify the cooperation of program participants. To encourage responsibility on the part of absent parents, courts are authorized to order community service when a non-custodial parent is in contempt of a child support order.

Learnfare: Children under the age of 14 will be required to attend school. When a child misses eight days of school within three months without an acceptable excuse, the child will be placed on probation. The child's portion of the grant will be reduced after three unexcused absences in a month during a probationary period.

Family Cap: The Commonwealth will no longer provide benefits for additional children born to welfare recipients (with exceptions in extraordinary circumstances).

Immunization Requirement: Failure to provide proof to the Department that children have received necessary immunizations will result in the parental portion of the grant being reduced.

Direct Payment of Rent: If a recipient falls behind six weeks or more in rental payments, the Department is required, at the request of the landlord and after a hearing, to deduct the recipient's rent from her grant money and pay it directly to the landlord. Exceptions are made in cases of landlord/tenant disputes.

Assets: The allowable asset level for recipients is increased from $1,000 to $2,500.

Treatment of Motor Vehicles: The permitted value of a vehicle is changed from an equity value of $1,500 to a fair market value of $5,000.

Anti-Fraud: The program establishes wage assignment in cases of fraud or other overpayments, increased penalties for individuals who commit fraud, and denial of benefits for individuals with outstanding warrants.

Direct Deposit of Benefits: Recipients with bank accounts will be required to receive benefits through direct deposit.

PROGRAM DESCRIPTION

DEFINITIONS

Assistance Unit: Those individuals whose needs are considered in determining eligibility and the amount of the grant, and who are eligible to receive benefits under Aid to Families with Dependent Children (AFDC). All persons required to be in the assistance unit must be included in the filing unit.

Child of Mandatory Full Time School Age: A child who has turned six, or begun first grade, whichever occurs later.

Child of record: The youngest child of a parent: 1) receiving assistance on July 1, 1995, or the date the demonstration project is effective, whichever is later; or 2) in the case of applicants, at the time the family first applies for assistance after July 1, 1995, or the date the demonstration project is effective, whichever is later. A child born less than 10 months after July 1, 1995 (or the effective date of the demonstration project, whichever is later), or less than 10 months after the woman first applied for assistance will be considered to be the "child of record". In cases of two-parent families, the youngest child of either parent will be considered the child of record.

Department of Transitional Assistance (DTA): Formerly the Department of Public Welfare, the IV-A agency for the Commonwealth of Massachusetts.

Dependent Child: A needy child who is: 1) deprived of the support or care of one or both of his or her natural or adoptive parents through death, continued absence, incapacity, or unemployment; and either 2) under the age of 18; or 3) under the age of 19 if the child is a full-time student in grade 12 or below in a school not beyond the secondary level or a vocational or technical training program of the equivalent level designed to lead to gainful employment, and

the child is expected to graduate or complete the course of study or training before his or her 19th birthday.

Disabled Adult: An adult who meets the Department's definition of disabled. In order to be considered disabled, an adult must meet specific medical disability criteria established by the Department. These criteria will be similar to the Department's disability standards for its general assistance program -- Emergency Aid to the Elderly, Disabled and Children (EAEDC) -- with the following exceptions: 1) no recipient who is disabled solely on the basis of alcohol or drug dependency or whose disability is based in whole or in part on previous dependency will be determined to be disabled; and 2) vocational factors will not be taken into consideration in determining whether an individual is disabled. (The Department's EAEDC criteria are included in Attachment A.) Individuals eligible for SSI or SSDI, or determined eligible for disability benefits under Medicaid, will be presumed to be disabled, with the exceptions noted above.

Disabled Child: A child in receipt of SSI. However, a child who is disabled solely on the basis of alcohol or drug dependency or whose disability is based in whole or in part on previous dependency will not be determined to be disabled.

Employment Assistance Program: A MassJOBS component consisting of Job Placement, Job Readiness and Job Search Activities.

Filing Unit: Those persons whose income and assets must be considered in determining eligibility and the amount of the grant for the assistance unit, regardless of whether they are included in the assistance unit.

Grantees: Adults who are included in the AFDC grant, or who are not included in the grant because of a sanction. In a two-parent household, both parents are considered grantees. A grantee who is sanctioned does not become an ineligible grantee. For purposes of clarification, such individuals will be referred to as "Sanctioned Grantees". An adult who meets the definition

of a dependent child will not be considered to be a grantee. For purposes of simplicity, the Department has used feminine pronouns throughout this waiver to refer to grantees.

Ineligible Grantees: Adults who receive a grant on behalf of a dependent child, but who are not themselves included in the AFDC grant (except that sanctioned grantees are not referred to as ineligible grantees).

Sanctioned Grantees: Adults who would be included in the AFDC grant except that they are in a sanction status.

Teen Parent: A grantee or dependent child under the age of 20, who is a parent, or in the third trimester of her pregnancy if she has no other children.

EXEMPTIONS

Certain grantees are exempt from the 2.75 percent grant reduction, the 24-month time limit on benefits, and the Work Program requirements. (These provisions will be explained in greater detail below. The section entitled The Work Program also identifies additional recipients who are exempt from the Work Program requirement.) Exempt grantees include those who fall into one or more of the following categories:

- Disabled adults;
- Adults who are essential to the care of a disabled child or disabled spouse, as documented by a statement from a physician. In the case of parents who are not married, adults who are essential to the care of the other parent of their children will be exempt. In order for a grantee to be determined essential to the care of a disabled person, the disabled person must be in the home between the hours of 9 a.m. and 2 p.m. For example, if a disabled child is in school during the day, the grantee will not be considered to be essential to the disabled child's care, and will not qualify for this exemption.
- Pregnant women in their third trimester;
- Grantees who have a child-of-record under the age of two, or who have any other child under the age of three months;
- Teen parents under the age of 20 who are attending high school full-time, and are meeting the requirements of the structured living provision, as specified in the section entitled Supportive Living for Teen Parents; and

- Ineligible grantees -- however, ineligible grantees who have a legal obligation to support their dependent children will not be exempt unless they qualify for one of the exemptions identified above.

In two-parent households, both grantees must qualify for one of the above exemptions in order for the household to be exempt from the grant reduction and the 24-month time limit on benefits. Please refer to the section entitled The Work Program for further information regarding the Work Program requirements for two-parent households.

Once a grantee is determined to be exempt, she will remain exempt until the Department determines that the grantee's circumstances have changed and the grantee no longer meets the criteria for an exemption. The grantee will be required to immediately report to the Department any changes in circumstance which affect her exemption status.

A grantee who is determined to be non-exempt may appeal that decision through an administrative fair hearing; however, if the grantee is determined to be non-exempt as a result of the fair hearing, the period during which the appeal was pending will be included in the calculation of the assistance unit's 24-month maximum period of eligibility. (Please refer to the section entitled Time Limited Benefits for additional information.)

REQUIREMENT TO REDETERMINE ELIGIBILITY OF ALL RECIPIENTS

It will be necessary for all current recipients to reapply for assistance. The Department will determine an appropriate schedule for reviewing all AFDC cases, which may include prioritizing certain groups, such as teen parents, or using a random system, such as SSNs, to accommodate all of the reapplications. The Department will begin notifying grantees of the need for a review within 90 days of approval of this waiver. Grantees will be notified that they must appear for a scheduled appointment and comply with the requirement to complete the eligibility interview within 90 days unless they have good cause, as defined in the Department's regulations, or their cases will be closed. Grantees whose benefits are terminated for failure to meet this requirement will be notified and afforded an opportunity for a fair hearing.

INITIAL ASSESSMENT/EMPLOYMENT DEVELOPMENT PLAN

At the initial intake interview or reapplication, the Department of Transitional Assistance (DTA) worker will explain the new program rules, and the individual's rights and responsibilities. The worker will then determine whether the individual is exempt or non-exempt, and whether he or she is subject to the Work Program requirements.

The DTA worker will inform all non-disabled adults that the program is intended to provide transitional assistance on a time-limited basis. The worker will impart the Department's philosophy that any paid job, even an entry level job, is better than receiving welfare and more likely to lead to economic self-sufficiency than relying on welfare. All non-disabled adults will be encouraged to find work, and will be expected to focus their energy on obtaining jobs immediately.

A wide array of services aimed at assisting grantees to obtain work will be available, including Job Readiness and Job Search. These services, available through the Department's Employment Assistance Program, may be provided directly by DTA, or under contract with vendors. (Please refer to the section entitled MassJOBS Components for additional information.)

The grantee will be informed of job openings, including jobs available through the following programs/agencies: the Department's Full Employment Program, the Department of Employment and Training, the Job Training and Partnership Act (JTPA) Agencies, Regional Employment Boards (REBs), and local businesses.

An Employment Development Plan (EDP) will be completed for certain recipients to establish a plan which will lead to employment. The EDP will identify the specific MassJOBS components and other employment related activities which the individual will be responsible for completing. These activities will be designed to culminate in employment.

The EDP will also identify the supportive services which will be provided to the grantee. Once completed, the EDP will be signed by both the grantee and the DTA worker.

An EDP will be completed for the following:

- A grantee who the Department has determined must participate in a MassJOBS component because of the availability of unfilled slots;
- A grantee who has volunteered to participate in a MassJOBS component;
- All teen parents who have not graduated from high school;
- A grantee in need of supportive services in order to work or participate in education or training;
- Dependent children age 16 to 18, who are not in school, and therefore must participate in a MassJOBS component.
- A grantee referred to Community Service who: 1) has volunteered to participate in the Community Service Program; 2) has been mandated to participate in community service because of a failure to comply with another program requirement; or 3) is in need of supportive services in order to participate.

Except as noted above, an EDP will not be completed for a grantee who is participating in community service in order to meet her Work Program requirement.

DTA workers will review and update EDPs at each redetermination, or more often if appropriate. If a grantee fails more than once to fulfill the obligations of her Employment Development Plan without good cause, as defined in the Department's regulations, she will be required to participate in the Community Service Program. An initial failure by the grantee to participate in the Community Service Program, once mandated to participate, will result in a reduction in AFDC benefits equal to the grantee's portion of the grant. Failure by the grantee to participate in the Community Service Program on more than one occasion, once mandated to participate, will

result in the termination of assistance for the entire family for the remainder of the 24-month time limited benefit period.

This termination of benefits shall be subject to review by the Commissioner of the Department, or the Commissioner's designee. Exceptions to such termination will be granted in cases of failure to participate due to good cause. Whenever a sanction is imposed, the grantee can remove that sanction by meeting the participation requirements for a minimum of two consecutive weeks.

THE WORK PROGRAM

All non-exempt grantees who have received assistance for 60 days, and whose child of record is of mandatory full-time school age will be required to work a minimum of 20 hours per week. In two-parent households, both parents will be subject to the Work Program requirement; only one parent will be required to work if the child of record is not of full-time school age.

Grantees can meet this Work Program requirement by: 1) working in a job for which compensation is paid for 20 or more hours per week; 2) working full time in the Full Employment Program; 3) participating in the Community Service Program 20 hours per week; or 4) combining work and community service for a total of 20 hours per week.

Any grantee who works less than 20 hours per week for compensation will be required to perform community service. The number of hours of community service required each week will be the difference between 20 hours and the number of hours worked. For example, a grantee who works 15 hours per week will be required to work 5 hours per week in a community service job.

Any grantee required to participate in the Work Program who was participating in a MassJOBS component on January 1, 1995 will be allowed to complete the MassJOBS program, in accordance with time limits established in the Department's regulations, and such participation will count toward the Work Program requirement. A grantee will only be allowed to complete the program which she was participating in as part of an approved employment plan which was signed and approved no later than January 1, 1995. The family will continue to be eligible for assistance until the grantee completes the MassJOBS program, or reaches the 24-month limit on benefits, whichever is later. For the purposes of this section, a grantee who was participating in community service through the Department's TEMP-UP Program on January 1, 1995 will be determined to have "completed" the program when she ceases to participate in community service, or reaches her 24-month limit on benefits, whichever occurs first. (TEMP-UP is the

community service program required for Unemployed Parents under the JOBS Program.) A grantee will be required to comply with the requirements of the Work Program upon withdrawal or completion of her MassJOBS Program, and the 24-month time limit on benefits will remain in force, if applicable.

Any grantee who was on a waiting list for MassJOBS as of January 1, 1995 will be allowed to enter and complete the program, and such participation will count towards the Work Program requirement. However, while on the waiting list, the grantee will be subject to the Work Program requirements and the time-limited benefits, if applicable. Again, a grantee will only be allowed to enter and complete the program for which she was waiting if that program was included in an employment plan which was signed and approved no later than January 1, 1995. In addition, the grantee will be required to comply with the requirements of the Work Program upon withdrawal or completion of her MassJOBS Program, and the 24-month time limit on benefits will remain in force, if applicable.

Grantees may be sanctioned for failure to meet the requirements of the Work Program, and/or the Full Employment Program. Please refer to the section entitled Program Sanctions for an explanation of the various sanctions which can be imposed.

A grantee will be granted a 60-day period to look for work only once in a 60-month period. If the grantee's case closes, and the grantee reapplies at any time within the 60-month period of time-limited benefits, and the grantee is not working for compensation, that grantee will be referred directly to Community Service. If a grantee applies again after the 60-month period, the grantee will be permitted to look for work for another 60 days before the grantee will be referred to the Community Service Program. (Please refer to the section entitled Time-Limited Benefits for additional information about the 60-month period.)

THE COMMUNITY SERVICE PROGRAM

The Community Service Program will offer a wide range of transitional employment opportunities in public or non-profit organizations, which will provide work and/or training experience and supervision. Sites include schools, hospitals, volunteer organizations, family and individual shelters, soup kitchens, and many other public and non-profit locations, including the Department of Transitional Assistance. The Department's experience with the TEMP-UP Program has demonstrated the willingness of many employers to take part in a program of community service.

Grantees subject to the Work Program requirement who fail to obtain paid employment of at least 20 hours per week will be required to participate in the Community Service Program. Such grantees must select a community service site of their choice, subject to approval by the Department. If a grantee fails to select a site, the grantee will be assigned to a site by the Department.

Preference for Community Service Program slots will be given to those who are required to participate. Community Service Program slots will not be used to displace regular employees or to fill existing unfilled positions.

For an explanation of who is required to participate in the community service program, and the penalties for failure to do so, please refer to the sections entitled The Work Program and Program Sanctions.

THE FULL EMPLOYMENT PROGRAM

Approximately 2,000 jobs will be available through the Full Employment Program in the first year of implementation (SFY96). Subject to approval by the Department, any grantee may volunteer to participate in the Full Employment Program. Such volunteers will be given first priority for Full Employment Program jobs.

A grantee who is subject to the 24-month limit on benefits must have a minimum of nine months of benefits remaining in order to participate in the Full Employment Program. Exceptions may be made if slots are available, and there are no volunteers available to fill those slots.

The MassJobs Council and the Regional Employment Boards (REBs) will recruit employers for the Full Employment Program. The Department will expect jobs made available through the Full Employment Program to provide recipients with work experience which will enhance their ability to be successful in the job market.

Grantees who are placed in a job through the Full Employment Program will work 40 hours per week. They cannot be required by employers to work more than 40 hours, and may not be used to displace regular employees or to supplant existing vacancies previously established. Grantees will be paid a minimum of $4.50 per hour. They will receive such wages in lieu of receiving cash payments under the AFDC Program, and Food Stamp coupons under the Food Stamp Program. (The only exception will be grantees who will continue to receive a cash supplement, as specified in more detail below.)

AFDC benefits and Food Stamps will be suspended at the end of the calendar month in which an employer makes the first wage payment to a participant (except for those grantees who receive a supplement, as noted below). Program participants who are eligible for Medical Assistance at the time they enter the program will remain eligible for health care coverage as long as they continue to participate in the program. A grantee's eligibility will continue to be redetermined,

and she may be terminated from all benefits and from the Full Employment Program should the grantee no longer meet the categorical or financial eligibility requirements for AFDC, Food Stamps and/or Medicaid. However, in determining financial eligibility, the Department will disregard all of the income earned by the grantee through the Full Employment Program job.

The Department will pool the AFDC cash grants and the cash value of Food Stamp benefits for all the grantees participating in the Full Employment Program. The Department will then reimburse employers for a portion of the wages which they pay grantees. The Department will pay employers as follows: for the first nine months that the program participant is employed by the employer, $3.50 per hour; for the next three months, $2.50 per hour.

If a grantee's countable wages are less than the amount she would have received if she were still receiving AFDC and Food Stamps, the Department will provide a supplement to the family so that the family will not be financially disadvantaged by working. In this context, countable wages consist of gross income, minus the $90 work-related expense and the allowable dependent care deduction. (Although Full Employment Program wages will be disregarded for purposes of determining eligibility, such wages will be countable in determining the amount of a supplement, if any.) If applicable, the grantee will receive a supplemental grant each month, which will bring the grantee's total income up to the amount she would have received if she was still receiving AFDC and Food Stamps. The Department will calculate what the grantee's actual benefits would have been in making this determination.

In addition to paying the grantee's wages, the employer will pay $1 for each participant hour worked into an Individual Asset Account (IAA), which the employer will establish for the grantee. The IAA will be owned by the grantee; access, however, will be restricted until the grantee leaves the program for an unsubsidized job of at least 30 hours per week, or after 12 months of participation in the program, whichever is sooner.

The purpose of the IAA is to allow grantees to increase their assets to reduce the likelihood of the grantee experiencing financial problems later. The resources contained in the IAA will not be

counted as an asset when determining eligibility for AFDC or Medicaid; the Department will seek a waiver to allow the IAA not to be counted as an asset under the Food Stamp Program. However, if the IAA becomes available to the grantee before her case closes, the IAA will be treated like any other asset.

Employers participating in the Full Employment Program will be required to: make program placements positive learning and training experiences for grantees; maintain the health, safety and working conditions at or above levels generally acceptable in the industry and no less than that of comparable jobs of the employer; provide on-the-job training as necessary for the grantee to perform his or her duties; provide on-the-job mentors from among regular employees to assist grantees in becoming oriented to work and the workplace; provide the grantee with the same sick leave, holiday and vacation benefits that are provided to all new employees; provide all benefits required by state and federal law for employees; provide workers' compensation to grantees; pay the grantee a wage of not less than $4.50 per hour; and sign an agreement for each placement outlining the specific job offered to the grantee and agreeing to abide by all requirements of the program, including an agreement to repay reimbursements to the Department in the event that the employer violates program rules.

The Department will develop requirements for employer participation and procedures for excluding employers for failure to abide by program rules. No employer will be required to participate. The maximum number of program participants that an employer will be able to accept at any one time cannot exceed ten percent of the total number of the employer's employees, provided, however, that each employer may receive at least one participant. Employers who demonstrate a pattern of terminating grantees prior to completion of training, or not offering unsubsidized employment to participants who have successfully completed the program with the employer, will be ineligible to have additional participants.

Either the employer or the grantee may terminate the assignment by contacting the Department. In such cases, the Department will reassess the needs of the grantee and may assign the grantee

to another placement or another Work Program. At the employer's request, the Department may also provide the employer with another grantee.

If, after nine months in a placement, a grantee has not been hired for an unsubsidized position, the Employment Development Plan of the grantee will be reassessed. If, after 12 months in a placement, a grantee has not been hired for an unsubsidized position, the subsidy to the employer will be discontinued, and the Employment Development Plan of the grantee will be reassessed and the grantee may be assigned to another Full Employment Program job.

Program participants who have failed to maintain a Full Employment Program job after a minimum of three attempts will be reassessed and may be assigned to mandatory placement in the Community Service Program.

For the purposes of determining the one-year transitional child care and Medicaid provided to former recipients of cash assistance who have left the Program for employment, the transitional year will begin when the grantee is hired into an unsubsidized job and her case closes.

THE MASSJOBS PROGRAM

Identified below are the MassJOBS components which the Department will offer. Any grantee may volunteer to participate in a MassJOBS component; however, a non-exempt grantee who is subject to the Work Program requirement must meet her Work Program requirements in order to be approved for participation in a MassJOBS component. MassJOBS participation may be mandated for a non-exempt grantee if there are MassJOBS slots that are unfilled. The Department will develop criteria for targeting non-exempt grantees for such slots.

A grantee who is subject to the 24 months of time-limited benefits will not receive approval to include a component in her EDP unless she has sufficient time left on assistance to complete the component. In other words, a grantee will not be approved to begin a six-month training program if she is beyond her eighteenth month on assistance.

<u>MassJOBS Components</u>

- Employment Assistance Program
  - Job Placement activities -- includes identification of job openings, matching and marketing candidates, and securing interviews.
  - Job Readiness activities -- addresses workplace expectations and attitudes necessary for success.
  - Job Search activities -- includes individual and/or group counseling, job seeking, skills training, information and support.
- Education -- includes high school level, basic and remedial English for employment, and limited post-secondary education.

- Training -- ranges from informal short-term upgrading of existing job skills, to longer term formal instruction for the acquisition of new skills.

- Full Employment Program -- a wage subsidy program including job development, referral to subsidized jobs, and state tax credits for employers.

- Work/Community Service Program -- includes work or community work experience.

EMPLOYMENT INCENTIVES -- Grant Reduction and Earned Income Disregards

In an effort to encourage non-exempt grantees to seek employment, the benefit levels of such recipients and applicants will be subject to a reduction in financial assistance, and the $30 and one-third earned income disregard will be increased to $30 and one-half for non-exempt working grantees. The grant reduction will establish a new payment standard which will be 2.75 percent below the current (SFY95) payment standard for a family of comparable size and income. (Please refer to Attachment B for a list of the various grant levels per family size.)

The grant reduction will not alter the medically needy income standard currently in effect for the Commonwealth's Medicaid program. It will continue to be based on the SFY95 payment standards.

The increase from the $30 and one-third earned income disregard to $30 and one-half is an additional incentive for grantees to seek employment and will offset the decrease in public assistance with an increase in the amount of earned income which can be retained. In accordance with Massachusetts' welfare reform legislation (Chapter 5 of the Acts of 1995), the Department will not implement either the grant reduction or the $30 and 1/2 disregard unless the other is also implemented. The statute permits the continuation of the $30 and 1/2 disregard for the entire period the assistance unit is eligible for assistance.

The current $30 and one-third earned income disregard will remain in effect for a grantee who is working in an unsubsidized job, is exempt, and has received AFDC within the previous four calendar months. The Department is requesting a waiver to make the $30 and one-third disregard available to such grantees as long as they remain on assistance.

TIME-LIMITED BENEFITS

Non-exempt assistance units will be subject to a limit on the period of time for which they may receive assistance. (As previously noted, an assistance unit is subject to the time limit unless the grantee, or both grantees in a two-parent household, are exempt.) Such assistance units will be eligible for a maximum, cumulative 24-month period during a continuous 60-month period, unless an extension is granted by the Department. Upon receiving assistance for 24 months, an assistance unit will be ineligible for assistance for the remainder of her 60-month period, unless the grantee's status changes to exempt. When there is a break in assistance, the calculation of the 24 months of time-limited benefits is suspended, but the 60-month calculation is not. For example: a grantee first applies for assistance on January 1, 1996, and receives assistance for 22 months. At that time, the grantee's case is closed at her request. She reapplies for assistance six months later. If she meets all other eligibility criteria, she and her dependent children are entitled to only two remaining months of assistance. They will then be ineligible for assistance until the expiration of the 60-month period which began on January 1, 1996, and expires on December 31, 2000.

An assistance unit is considered to be "receiving assistance" for the purpose of calculating the 24-month time limit if that assistance unit:

- receives an AFDC cash grant in a month; or
- would have received a cash grant, but the benefit amount was less than $10; or
- would have received a cash grant, but the grantee is participating in the Full Employment Program.

It is important to note that the calculation of an assistance unit's 24 months of time-limited benefits is not suspended during a sanction period, unless no one in the assistance unit is receiving cash assistance because of the sanction. The 60-month limit will continue to apply,

however, even in cases where the calculation of the 24-month time limit is suspended because the entire assistance unit is sanctioned. (Please refer to the section entitled Sanctions for additional information.)

The 60-month period will begin on the date the non-exempt grantee first becomes eligible for assistance as a parent, or the date the grantee reapplies for assistance as required by the Program. If a grantee's status changes from exempt to non-exempt, the 60-month period will begin at the time that the grantee is informed of the change in status and advised that she is now subject to the time limited benefit provision. For example, the Department will send a notice to a grantee whose youngest child is about to reach the age of two, informing the grantee that she will no longer be exempt due to the age of her child, and that she will be subject to the 24-month limit on benefits as of the date her child turns two. Grantees will be instructed to contact their workers if their circumstances have changed, and they have reason to believe they may be eligible for another exemption.

If a grantee's eligibility status changes to an exempt category during the 60-month period, the calculation of the 24-month maximum assistance period will be suspended and not resume until the grantee no longer qualifies for the exemption. The calculation of the 24-month period will also be suspended when a grantee leaves the program for some other reason -- e.g. a grantee asks to have her case closed; or the grantee no longer meets income or asset limits. In such cases, the calculation of the 24-month period will resume when the grantee is determined upon reapplication to be eligible for assistance and to be non-exempt.

A reapplication for assistance within the 60-month period will not be considered a new case for the purpose of determining eligibility. In other words, the 60-month period will continue to run, even if there is a break in eligibility. Regardless of whether the grantee receives assistance for 24 months during a 60-month period, a grantee will be eligible for a maximum of 24 months in any subsequent 60-month period.

If a teen parent is receiving AFDC as part of her mother's assistance unit, the teen parent and her child may reapply for benefits if the mother's case closes, or if the teen parent is no longer eligible for assistance under her mother's grant. At reapplication, the DTA worker will determine whether the teen mother is exempt or non-exempt. If she is non-exempt, her 24-month period of time limited benefits will begin at reapplication. This will require a waiver of the standard filing unit rule.

The Department may extend the 24-month limit on benefits under certain circumstances. Criteria which will be considered in granting such extensions include: 1) whether the grantee has received and/or rejected offers of employment, has quit a job without good cause or has been fired for cause; 2) the degree to which the grantee has cooperated, and is cooperating with the Department, in work-related activities; 3) whether appropriate job opportunities exist locally at that time; and 4) whether the grantee's inability to obtain employment is due to her need to care for a disabled child or adult for a portion of each month.

There may also be cases in which the 24-month time limit on benefits may be waived for a dependent child who is no longer able to live with his or her parent(s). These would include the following:

1) the death of the child's parent(s);

2) the incapacity of the child's parent(s), such that the parent cannot care for the child, and such incapacity is documented by a physician;

3) the custody of the child has been legally transferred to another parent, relative or custodian;

4) the incarceration of the parent(s), except that the child shall not receive assistance if the parent is released from custody and reunited with the child; and

5) the parent(s) is institutionalized -- for example, in a mental health facility or a hospital -- provided the institutionalization is expected to be for an extended stay.

If none of the above criteria apply, a grantee may request an extension of the 24-month limit by submitting a written request to the Commissioner or the Commissioner's designee, documenting the reason the extension is being requested. These cases will be reviewed and a determination made on a case-by-case basis.

FAMILY CAP/CHILD OF RECORD

An assistance unit is not eligible for an incremental increase in its cash assistance payment when an additional child is born after the "child of record". The child of record is defined as the youngest child of a parent: 1) receiving assistance on July 1, 1995, or the date the demonstration project is effective, whichever is later; or 2) in the case of applicants, at the time the family first applies for assistance after July 1, 1995, or the date the demonstration project is effective, whichever is later. A child born less than 10 months after July 1, 1995 (or the date the demonstration project is effective, whichever is later), or less than 10 months after the applicant first applied for assistance will be considered to be the "child of record".

The Department will provide assistance on behalf of a child born after the child of record if that child was born as a result of verifiable rape or incest. In addition, the designation of the child of record may be revised by the Commissioner in the following cases when a dependent child is no longer able to live with his or her parent(s):

1) the death of the child's parent(s);

2) the incapacity of the child's parent(s), such that the parent cannot care for the child, and such incapacity is documented by a physician;

3) the custody of the child was legally transferred to another parent, relative or custodian;

4) incarceration of the parent(s), except that the child shall not receive assistance if the parent is subsequently released from custody and reunited with the child; and

5) the parent(s) is institutionalized -- for example, in a mental health facility or a hospital --provided the hospitalization is expected to be for an extended stay.

If none of the above apply, a grantee may request a change in the designation of the "child of record" by submitting a written request to the Commissioner or the Commissioner's designee, documenting the reason the change is being requested. These cases will be reviewed and a determination made on a case-by-case basis.

With the exception of any exemptions which are granted, the designation of the "child of record" will not change, even if the child no longer lives in the assistance unit, or subsequent children are born to the parent, or benefits are terminated and the parent reapplies for assistance.

An assistance unit is considered to be "receiving assistance" on July 1, 1995 (or in the month the demonstration project is effective) if that assistance unit:

- receives an AFDC cash grant in July 1995; or
- would have received an AFDC cash grant in July 1995, but the benefit amount was less than $10; or
- would have received an AFDC cash grant, but the grantee was participating in the Full Employment Program.

While cash benefits will not be increased for a child born after the child of record, the child will still be considered to be categorically eligible for Medicaid and Food Stamps, and may be eligible for income-eligible child care, if applicable.

The need, payment and eligibility standards for such a family will not include the child born after the child of record. In other words, if a parent is working, and has one child who is the child of record, and another child born after the child of record, the Department will compare the filing unit's income to a family size of two, not three, in determining eligibility and benefit levels. The first $90 of any countable income attributable to the child born after the child of record,

including child support, will be disregarded, and the remainder will be counted as income available to the assistance unit.

The Department will work with the Division of Medical Assistance (DMA) and the Department of Public Health (DPH) to ensure access to family planning information and services. Brochures and videos are available for local offices to provide information about family planning. At both initial application and redetermination, local office staff will also refer all grantees to DMA's Health Benefits Managers for comprehensive information about family planning, including, where appropriate, the implications of the "family cap". Grantees are eligible for Medicaid-covered family planning services through their Health Maintenance Organizations (HMOs) or Primary Care Physicians. In addition, grantees have free access to family planning information and services outside their managed care plans.

CATEGORICAL ELIGIBILITY BASED ON INCAPACITY

To ensure program consistency, and the equitable treatment of all applicants and recipients, the Department will establish one disability determination process for all grantees who claim to be disabled. This would apply to: 1) grantees who are requesting an exemption from the Work Program requirements, the 24-month time limit on benefits, and the grant reduction because of a disability, or the need to care for spouse or parent with a disability; and 2) two-parent households which have applied for AFDC because their dependent children are deprived of the support of a parent due to his or her incapacity. As noted previously, the disability criteria will be similar to the Department's current disability standards for its general assistance program -- Emergency Aid to the Elderly, Disabled and Children (EAEDC) -- with the following exceptions: 1) no recipient who is disabled solely on the basis of alcohol or drug dependency or whose disability is based in whole or in part on previous dependency will be determined to be disabled under the Program; and 2) vocational factors will not be taken into consideration in determining whether an individual is disabled. Individuals eligible for SSI or SSDI, or determined eligible for disability benefits under Medicaid, will be presumed to be disabled, with the exceptions noted above.

100-HOUR RULE

Under current federal regulations, a two-parent family is not eligible for AFDC if the principal wage earner works 100 hours or more per month, regardless of the amount that parent earns. It is widely recognized that this rule discourages some parents from working full-time since they risk the loss of both AFDC and Medicaid by doing so. In addition, it is believed to be a factor in the break-up of some families, and to discourage marriage in others. For these reasons, the 100-hour rule will be eliminated.

PATERNITY IDENTIFICATION AND DETERMINATION OF GOOD CAUSE

DTA will sanction any applicant or recipient who fails, without good cause, as defined by its regulations, to cooperate and to continue to cooperate with the Commonwealth's IV-D Agency, the Department of Revenue (DOR), to establish paternity or to establish, modify or enforce a child support order. The sanction will be a reduction in cash benefits by an amount equal to the grantee's portion of the grant. DOR will determine whether an applicant or recipient has cooperated, and is continuing to cooperate. DTA is requesting a waiver to allow the IV-D Agency to make the determination of non-cooperation without good cause, rather than the DTA. This transfer of responsibility will lead to more efficient and effective administration of the Child Support Program, since DOR is in a better position to determine on-going cooperation with IV-D requirements. Recipients will have the right to appeal such determinations to DTA.

An applicant or recipient shall be deemed not to have cooperated if the applicant or recipient fails, without such good cause, to furnish a sworn statement setting forth sufficient verifiable information about the non-custodial parent, or if more than one person may be a non-custodial parent, about each such person. Such information shall include the name and the social security number of the non-custodial parent, or the name of the non-custodial parent and at least two of the following items for the non-custodial parent:

- date of birth;
- address;
- telephone number;
- name and address of employer;
- names of parents; and
- the manufacturer's model and license number of any motor vehicle owned by the non-custodial parent.

An applicant or recipient who knowingly provides false information to DOR will be subject to prosecution for perjury.

When an applicant applies for cash assistance (or a recipient reapplies), the DTA worker will explain the individual's rights and responsibilities as they pertain to the Child Support Program and request the information identified above. If the individual provides the information, the worker will determine eligibility, and if eligible, refer the case to DOR with the appropriate child support information. If, however, the individual states that she does not know who the father is, and/or she cannot provide the information identified above, the applicant/recipient will be referred to DOR which will make the determination as to whether she has good cause for failure to provide the information. DOR will inform the DTA worker of its decision in a timely manner, so that the worker can take the appropriate action on the application within the required timeliness standards.

If DOR informs DTA that the applicant/recipient has failed, without good cause, to cooperate in establishing paternity or establishing, modifying or enforcing a child support order, the grant will be reduced by an amount equal to the grantee's portion. An applicant or recipient may contest such sanction at a hearing before DTA, but shall have the burden to prove cooperation with the DOR by a preponderance of the evidence.

Any grantee who is non-exempt will continue to be subject to all the appropriate requirements, including, but not limited to, the Work Program requirement, and the time limit on benefits during the sanction period.

TEEN PARENTS: STRUCTURED LIVING

Except in cases where abuse, neglect, or addiction to substances is present, no benefits will be provided to a family headed by a parent who is under the age of 20 unless the teen parent resides with a guardian, parent, grandparent, uncle, aunt, adult sibling, spouse, or other family member as determined by DTA regulations or lives in a structured setting approved by DTA. DTA may, however, determine that a teen parent has achieved the necessary educational and vocational goals, and acquired sufficient independent living skills and parenting skills to live on her own. DTA will promulgate regulations which specify under what types of situations such determinations may be made.

In situations where a teen parent asserts that she cannot stay at home because abuse, neglect, or addiction is present, or because of some other extraordinary circumstance which the Commissioner determines may exempt the teen parent from this requirement, the family will be evaluated by the Department of Social Services (DSS). The Department of Transitional Assistance will establish standards and procedures to govern determinations of abuse, neglect, addiction, and exceptional circumstances which exempt teen parents from this requirement.

Whenever DSS determines that abuse, neglect or addiction to substances is present, or the Department determines that it is otherwise in the best interest of the teen parent and her child, the parent will be required to reside in a structured setting in order to receive benefits. If a structured setting is not available at the time the determination is made, the teen parent will be exempt from this provision until such time as a structured setting is available. The Department will work with DSS to expand the availability of such settings statewide. Teen parents who are placed in structured residential settings will be required to pay a portion of their grant, as determined by the residential program, for rent.

At a minimum, structured settings will: 1) require pregnant and parenting teen parents to enroll and make acceptable progress in a program for a high school diploma or a general equivalency

degree (GED) certificate; 2) require pregnant and parenting teen parents to participate in basic parenting classes, basic life skills classes, and pregnancy prevention classes; 3) provide necessary rules and regulations to promote stability; and 4) provide regular counseling sessions to enhance the individual's self-esteem.

TEEN PARENTS: SCHOOL ATTENDANCE

All parents under the age of 20 who have not yet graduated from high school will be required to attend high school or a program for a general equivalency degree (GED) in order to receive benefits. Parents under the age of 20 who are attending high school full-time are exempt from the grant reduction, the 24-month limit on benefits, and the Work Program requirement. Once a parent under the age of 20 graduates from high school, however, that parent will be subject to the grant reduction and the 24-month time limit, unless she meets some other exemption criteria, such as having a child under the age of two. Such parent will also be subject to the Work Program requirements when her child of record reaches mandatory full-time school age, unless another exemption applies. The Department will provide child care for all teen parents who are unable to find suitable alternative child care arrangements.

TEEN PARENTS: GRANDPARENT DEEMING

The Department is requesting a waiver of the grandparent deeming rule to be applied in cases where a parent under the age of 18 is required to live with her parents. In cases where the parents of the teen do not receive cash assistance from DTA, the Department will disregard income up to 200 percent of the poverty level for a family of comparable size in determining the amount of the cash payment the young parent will receive. The income earned by the young parent will be treated in accordance with the Department's regulations. If the teen parent is required to live at home, and the teen's parents are receiving cash assistance from DTA, both the teen parent and her parents will be considered one assistance unit.

LEARNFARE

All non-disabled grantees must provide the Department with documentation that demonstrates that each school-age dependent child under the age of 14 has not missed more than eight school days during the previous quarter. (This provision will not apply if the child is not required to attend school under applicable state law.)

The grantee must provide the DTA worker with the appropriate documentation within 14 days after the end of each school quarter. Excused absences will not count toward this eight-day limit. The child's school will determine whether an absence is excused or unexcused; however, excused absences will include those due to: 1) illness, as certified by a physician or by other documentation determined to be appropriate by DTA; 2) hospitalization; 3) disability of the child; 4) death of a family member; 5) religious holidays; and 6) crisis situations.

Any non-disabled grantee who fails, without good cause, to provide the above documentation, or provides documentation that the child has had more than eight unexcused absences from school during the previous quarter, will be placed on probationary status. During the probationary period of time, the grantee will be required to provide monthly documentation of the child's school attendance.

If the child has more than three unexcused absences during any month in the probationary period, no aid will be paid to the grantee on behalf of the child the following month. If a child subject to a sanction is the only dependent child in the assistance unit, the grantee will continue to receive assistance as long as she meets all other eligibility criteria.

The grantee will remain on probationary status until such time as the number of unexcused absences during the six preceding school months does not exceed ten school days. Such probationary status may extend over the summer; however, there will be no reporting requirement for the parent during summer vacation periods.

Schools are required by Massachusetts statute to provide the required documentation of school attendance to parents at their request.

School Attendance for Other Dependents

Dependent children age 16 to 18, who are not in school, must participate in a MassJOBS component. Failure to do so will result in a sanction. (Please refer to the section entitled Program Sanctions for additional information.)

IMMUNIZATION REQUIREMENT

No parent or other guardian will receive her portion of the grant unless she provides a certificate of immunization for each dependent child, stating that the child has been immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis, and any other communicable diseases as may be specified from time to time by the Department of Public Health. The parent or guardian will have 60 days to comply with this requirement, or provide a written statement of the immunizations that are necessary to bring the child's record up-to-date, and the date such immunizations have been scheduled. The statement must be signed by a physician. In cases where the parent or guardian submits a written statement that the child needs to be immunized, the grantee will be required to submit a certificate that the immunizations have been completed within 30 days of their scheduled appointment.

All recipients are provided medical assistance through the use of health maintenance organizations or primary care physicians. All necessary immunizations will be available at no cost from the recipient's provider, either directly or upon referral.

Failure to comply with this requirement without good cause will result in a sanction. In two-parent households, both parents will be sanctioned for failure to comply with this requirement. Good cause will be limited to cases in which: 1) a physician certifies that the child should not be immunized due to medical reasons; or 2) a parent or guardian states in writing that immunization conflicts with her religious beliefs. An amount equivalent to the grantee's (or both grantees') portion of the assistance grant will be deducted from any assistance provided to the assistance unit for failure to comply with this requirement. Once a grantee is sanctioned, the sanction will continue to be imposed until the proper documentation is provided.

PROGRAM SANCTIONS

There are a number of different situations under which a grantee, a dependent child, and/or an entire assistance unit may be sanctioned under the Program. They are outlined below, and also appear in the section of the waiver which addresses each specific provision. In two-parent households, the sanction may apply to both parents. JOBS conciliation and sanction rules will no longer apply, except those pertaining to grantees who fail to accept a job offer or terminate employment. Exceptions will be made for grantees with good cause for failure to comply with program requirements.

There may be cases in which more than one sanction may apply. For example, there is a unique sanction associated with the Full Employment Program; however, there is also a sanction for failing to fulfill an EDP. Since every participant in the Full Employment Program has an EDP, two different sanctions could apply; however, whenever there is a specific program sanction, the program sanction will always apply first. If the grantee still fails to comply with a requirement of the program, then the EDP sanction will be applied. (Please refer to Failure to Fulfill the Obligations of an EDP for additional information.)

It is also important to note that the calculation of an assistance unit's 24 months of time-limited benefits is not suspended during a sanction period, unless no one in the assistance unit is receiving cash assistance because of the sanction. In other words, if only the grantee's portion of assistance is deducted from the grant because of a sanction, each month the grantee is sanctioned counts as a month of "eligibility" in calculating the assistance unit's 24-month time limit on benefits, and the grantee continues to be subject to all applicable program requirements during a sanction period.

Furthermore, a grantee whose sanction continued throughout the remainder of her 24-month period of benefits would be subject to a period of ineligibility for the remainder of the 60-month period, as any individuals subject to the time limit on benefits would be.

In contrast, however, if the entire assistance unit is ineligible for cash assistance because of a teen parent's failure to comply with the structured living requirement, the 24-month time limit on benefits will be suspended until such time as the grantee complies with the requirement and begins receiving assistance again. The 60-month limit will continue to apply in such cases.

A grantee may be exempt from one of the following sanctions if the Department determines the failure to participate was due to good cause, as defined in the Department's regulations. Additionally, at any time a sanction is imposed, the grantee can remove that sanction by meeting the participation requirements for a minimum of two consecutive weeks.

Failure To Comply With The Work Program Requirement

A grantee may be sanctioned for failure to comply with the Work Program requirement, which includes failure to work 20 hours per week if employed, or failure to comply with the Community Service Program. The sanction will result in a reduction in assistance equal to the parent's portion of the grant. If mandated to participate in the Community Service Program, the sanctions imposed for failure to comply with an EDP will then apply. If two parents in a two-parent household are subject to the Work Program requirement, both parents can be sanctioned for failure to comply.

Failure To Meet The Requirements Of The Full Employment Program

Program participants who fail to maintain a program job after a minimum of three attempts will be reassessed and may be assigned to mandatory placement in the Community Service Program.

If mandated to participate in the Community Service Program, the sanctions imposed for failure to comply with an EDP will then apply.

Failure To Fulfill The Obligations Of An EDP

There is a four-step process to sanction a grantee for failure to fulfill the obligations of her Employment Development Plan without good cause. The first time a grantee fails to fulfill her obligation, she will receive a warning. If she continues to fail to meet her obligation, she will be required to participate in the Community Service Program. An initial failure by the grantee to participate in the Community Service Program, once mandated to do so, will result in a reduction in assistance equal to the grantee's portion of the grant. (Dependent children between the ages of 16 and 18 who have not finished school are required to participate in a MassJOBS component. If they fail to do so, they are taken out of the grant, not their parents.) Failure by the grantee to participate in the Community Service Program on more than one occasion, once mandated to do so, will result in the termination of assistance for the entire family for the remainder of the assistance unit's 24-month time-limited benefit period (unless the sanction is removed due to the grantee's compliance).

As noted previously, if the grantee is participating in a program that carries its own unique sanction for non-compliance, such as the Full Employment Program, the program sanction will be imposed first. If the grantee still fails to comply, the EDP sanction will be imposed; however, since the grantee will already be in a sanction status under the Full Employment Program, for example, the grantee will not be entitled to another warning, and will proceed directly to step 2 in the EDP sanction process. Further, if a grantee has a sanction removed because she has complied for a minimum of two consecutive weeks, and then she fails to comply once again, she will receive the sanction she would have received if she had not complied. For example, a grantee fails to maintain a Full Employment Program job three times. As a result, she is required to participate in community service, which becomes a part of her EDP. She fails to participate in community service, and she is removed from the grant as a result. She subsequently participates in community service for two weeks, and her grant is restored. She immediately drops out of

community service again. It will not be necessary to begin at step one of the sanction process. Instead, the Department will immediately terminate the entire grant for failure to participate.

Failure To Cooperate With Child Support Enforcement

The Department will impose the sanction specified by 45 C.F.R. Part 232 for any applicant or recipient who fails, without good cause, as defined by the regulation, to cooperate, and to continue to cooperate with the Department of Revenue (DOR) to establish paternity or to establish, modify or enforce a child support order. DOR will determine whether an applicant or recipient has cooperated, and is continuing to cooperate. An applicant or recipient may contest such sanction at a hearing before the Department, but shall have the burden to prove cooperation with the DOR by a preponderance of the evidence.

Failure To Comply With The Structured Living Requirement

Except in cases where abuse, neglect or addiction to substances are present, no benefits will be provided to a family headed by a parent who is under the age of 20 unless the young parent resides with a guardian, parent, grandparent, uncle, aunt, adult sibling, spouse, or other family member as determined by Department regulations, or lives in a structured setting approved by the Department.

Failure Of Teen Parent To Meet Educational Requirements

A parent under the age of 20 will be required to graduate from, or attend a program for a high school diploma or a general equivalency degree (GED) certificate in order to receive any benefits for herself and her dependent child.

Failure To Comply With The Immunization Requirements

No parent or other guardian will receive her portion of the grant unless she provides a certificate of immunization for each dependent child, stating that the child has been immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis, and any other communicable diseases as may be specified from time to time by the Department of Public Health. Once an assistance unit is sanctioned, the sanction will continue to be imposed until the proper documentation is provided.

Failure To Comply With Learnfare Requirements

If a child under the age of 14 has more than three unexcused absences during any month in a probationary period, no aid will be paid to the parent on behalf of the child until the grantee provides documentation that the child's school attendance meets the requirements of this provision. If the child subject to the sanction is the only child in the assistance unit, the parent will continue to receive assistance if she meets all other eligibility criteria.

Failure To Reapply For Assistance

It will be necessary for all current welfare recipients to reapply for assistance. Grantees will be notified in writing that they must comply with the requirement to complete an eligibility interview within 90 days unless they have good cause, or their entire case will be closed.

DIRECT PAYMENT OF RENT TO LANDLORDS

The Department may make rent payments directly to a landlord or property manager in the case of a grantee who has not paid any rent for six consecutive weeks after the rent was due, when the landlord or property manager requests direct payment. A finding of mismanagement of funds by the grantee will not be required is such cases.

Within two weeks of the request of a landlord or property manager for such direct payment, the Director of the Department's local office or the Director's designee will have a hearing to determine: 1) whether direct payments will be made, and the reasons for such payments; 2) whether the tenant prefers that the Department make direct payments; 3) a reasonable schedule for payment of rent in arrears; and 4) whether there are any violations of the health or sanitary code of the local code enforcement agency. The Department will notify the landlord or property manager, and the grantee of the hearing and the opportunity to testify. It will not be necessary to conduct a hearing in cases where the landlord requests direct payment and the tenant voluntarily agrees to such payment.

The Department will not make direct payments to the landlord or property manager if there is a dispute regarding the compliance of the rental unit with the health and sanitary code unless the Department has written notice that the housing meets the minimum requirements established by the code enforcement agency of the city or town. In cases where the code enforcement agency does not certify that the minimum requirements are met, the Department will place the rental amount into an escrow account to be released in accordance with the state provisions of such accounts in the statute governing landlord and tenant relations.

The amount of any payment made directly to the landlord or property manager will be deducted from any assistance paid to the grantee.

In cases where the Department determines that a payment will be made directly to the landlord, any arrearage will be paid in the same manner, in accordance with the schedule of payments established during the hearing, or if a hearing is not held, as agreed to by the grantee. Direct payment of rent and arrearages, once established, will remain in effect until one of the following occurs: 1) the grantee's AFDC case closes; 2) the grantee moves and no longer rents from the landlord receiving the payment; 3) there is a change in ownership/management, and the grantee no longer rents from the landlord receiving the payment; 4) the grantee and the landlord agree the direct payments should terminate; or 5) there is a new dispute regarding the compliance of the rental unit with health and sanitary codes.

INCREASE IN ASSET LIMIT

The asset limit for an assistance unit will be increased to $2,500.

TREATMENT OF MOTOR VEHICLES

The portion of the fair market value of any licensed motor vehicle which exceeds $5,000 will be counted toward the asset limit. If the applicant or recipient has more than one car, the entire fair market value of all but the first car will be counted as an asset.

LUMP SUM INCOME

Massachusetts is requesting a waiver of the lump sum rules and the income eligibility rules to allow the first $600 of lump sum income to be disregarded as income in the month of receipt, for the purposes of determining eligibility both under the general income rules and under the lump sum rules. Any amount over $600 will be countable for the purposes of these rules. After the month of receipt, if any portion of the $600 is still available to the filing unit, it will be counted as an asset. For the purpose of determining lump sum income, the term "month" will mean the calendar month in which the amount is received.

INCREASED PENALTIES FOR FRAUD

Any individual who is found by a court of law to be guilty (including pleas of guilty and nolo contendere) of fraudulently obtaining assistance from any welfare program will be permanently disqualified from receiving benefits under that program. This penalty will result from the first conviction of welfare fraud, and will apply to the adult(s) only, not to any dependents in the case. In addition, such individuals will be required to repay an amount equal to the entire amount of assistance fraudulently received. This amount will be treated as an overpayment to the assistance unit and may be recouped as such.

An individual who is found to have fraudulently obtained assistance as the result of an administrative hearing will be ineligible for AFDC in accordance with current federal regulations unless the fraud was the result of the grantee filing two or more applications.

Any individual who is found guilty by a court of law (including pleas of guilty and nolo contendere), or is found to have committed an intentional program violation through an administrative hearing, which involves fraudulently obtained benefits under two or more separate applications, including applications filed in different states, will be permanently disqualified from receiving benefits under that program upon the first such finding. This penalty will apply to the adult grantee(s) only. Repayment will be required in an amount equal to the grants received from the date the second application is filed.

A grantee who fraudulently changes his or her eligibility status from a non-exempt to an exempt status in order to remain eligible for benefits, and is found guilty (including pleas of guilty and nolo contendere) by a court of law of having committed such fraud, will not be eligible for any program of assistance provided by the Commonwealth, including, but not limited to, programs administered by DTA, and/or the Division of Medical Assistance. Said grantee will also be required to pay full restitution and any fine imposed, and will not be eligible for any assistance provided by the Commonwealth until such amounts have been paid. Even upon payment of such

amounts, the grantee will continue to be ineligible for benefits under the program in which the fraud occurred. A recipient who is found through an administrative hearing to have received benefits fraudulently by changing her status from non-exempt to exempt will be ineligible for AFDC in accordance with current federal regulations. The recipient will continue to be eligible for other assistance provided by the Commonwealth.

Any individual found guilty (including by plea of guilty or nolo contendere) of committing fraud under sections 5B, 5F or 15 of Chapter 18 (please refer to Attachment C) will be ineligible to receive any benefits under any assistance program provided by the Department, including AFDC, until restitution has been made, any fine has been paid, and/or sentence has been served that resulted from the conviction.

RELEASE OF PROGRAM INFORMATION

The Department will disclose to the Massachusetts Department of Revenue and the Social Security Administration the identities of individuals who are or were illegally receiving public assistance due to their incarceration or commitment in a house of correction, boot-camp, prison, or other correctional facility. The Department will obtain this information from tape matches conducted with the Department of Youth Services and the Department of Correction.

This information will be of assistance to the Department of Revenue in investigating the accuracy of tax information filed by the identified individuals. Further, the Social Security Administration will be alerted to those individuals who are fraudulently receiving Supplemental Security Income.

REPORT ON INDIVIDUALS WITH OUTSTANDING DEFAULT WARRANTS

The Department will not issue benefits of any kind, including, but not limited to, cash assistance and Food Stamps, to any applicant or recipient of public assistance if an outstanding default warrant has been issued against that person by a Massachusetts court. The Department will exchange and compare data with the Warrant Management System of Massachusetts, a computer system that identifies those with outstanding warrants, in order to carry out this mandate.

The Department will forward the names and other identifying information of the individuals with outstanding default warrants to the appropriate criminal enforcement agency, including, but not limited to, the Bureau of Special Investigations, the Attorney General, the District Attorney, and the applicable local police department.

CLOTHING ALLOWANCE AS A VOUCHER

The Department is requesting a waiver in order to pay a clothing allowance in the form of a voucher, or vendor payment in the event a clothing allowance is authorized by the Legislature for SFY96. It is anticipated that the clothing allowance will be issued on a statewide basis, to all children under the age of 19, beginning in September 1995. Each child will be eligible for a clothing allowance of $150. Families with more than one child will receive one voucher only, which will include the allowance for all children.

The vouchers will be generated through the Department's Special Services Payment System (SSPS), and will be issued by local office staff. Grantees will be notified that they may come into the office to pick up their vouchers on a specific date. (Issuance will be staggered by social security number so that local office staff can accommodate the number of clients who come in each day.) Each family will then be issued a voucher, which can be used solely to purchase clothing, at the store of their choice. The voucher will be issued in the name of the grantee, who will be required to present his or her identification when the voucher is picked up at the local office. The grantee will be the only person authorized to use the voucher.

If the grantee does not spend the entire amount of the voucher, the store will be authorized to provide the grantee with a merchandise credit for the remainder. The store will then submit the voucher to the Department for payment.

The Department's rigorous accounting procedures will be maintained to ensure program integrity. In addition, the Department will strive to produce a voucher which cannot readily be reproduced or duplicated.

The AFDC standard of need will be increased in the month of September 1995, and grantees will continue to receive the clothing allowance through November 1995 to accommodate new applicants.

SUPPORTIVE SERVICES -- (No AFDC Waiver Required)

Child Care

The Department will prioritize the use of Title IV-A funds for child care according to the following hierarchy:

- Grantees who need child care in order to work (including transitional child care);
- Teen parents who need child care in order to attend a school or GED program;
- Participants in the Full Employment Program;
- Participants in Education and Training; and
- Participants in community service.

The Department has established this hierarchy because the availability of child care is subject to appropriation. In the event that child care funding is insufficient, the Department may revise its policy to limit the participation of those in community service and Education and Training components, and thus reduce the demand for child care.

Transportation

The Department will also cover the cost of transportation to participate in MassJOBS if necessary; however, all other alternatives will be explored first, and the Department may exempt the grantee from participation for transportation-related reasons.

Health Care Coverage

Families will receive health coverage for 12 months from the time the grantee obtains a job and the family's cash grant ends. For those in the Full Employment Program, the transitional year will begin on the day the grantee is hired into a unsubsidized job.

(The Department is anticipating that additional health coverage will be made available at the end of the 12-month period through an alternative program provided by the Commonwealth. The Division of Medical Assistance (DMA) has submitted an 1115 waiver to the Health Care Financing Administration (HCFA) outlining its plan for health care reform. Under the MassHealth Plan, health insurance coverage will be provided for all families with income below 133 percent of the federal poverty level. In addition, approximately 75 percent of those with incomes below 200 percent of the poverty level will also be covered. Assuming the MassHealth Plan is approved at both the federal and the state level, DMA's 1115 waiver will cover virtually all of the families who leave AFDC and still have low income.)

COMMUNITY SERVICE PARTICIPATION FOR NON-CUSTODIAL PARENTS – (No AFDC Waiver Required)

In order to increase the payment of child support for children who are on AFDC, a judge may order a non-custodial parent who has failed to pay his child support to participate in a Community Service Program for up to 25 hours per week. The Department of Revenue will work with the Trial Courts of the Commonwealth to carry out this provision.

DIRECT DEPOSIT – (No AFDC Waiver Required)

Any grantee receiving cash assistance with an active account at a banking or financial institution must have his or her grant directly transferred to the account. In addition, all grantees will be encouraged to establish such accounts. The Commissioner may waive this requirement in the event that such banking institutions are not accessible; however, no waiver will be granted if public transportation to the bank is available within one mile of the household's place of residence. Grantees who are disabled may be granted exemptions if they can demonstrate that they would be unable to meet this requirement due to a lack of transportation which accommodates their disability.

The Department will continue to work with banking institutions to market direct deposit services. This will include having banking staff available in local offices to answer grantee's questions and complete the necessary applications/forms.

WAIVER CITATIONS

(1) Reapplications - Current Recipients (§120 of Chapter 5 of the Acts of 1995)

When the Demonstration Project is implemented, current recipients will be required to reapply for assistance. Recipients who fail to reapply will be terminated from AFDC. Waiver of 402(a) and various provisions of 45 CFR 206.10.

(2) MassJOBS Participation

At a minimum, MassJOBS will consist of the following components: Work Program, Community Service Program, Full Employment Program, basic education, skills training, employment assistance (job readiness and job search) and job development. Participation in MassJOBS will be mandatory if a recipient is subject to the 24-month time-limit for receiving benefits (waiver (12) non-exempt) and (i) whose child of record is of mandatory age for full time school (subject to the Work Program, waiver (4)) or (ii) whose child of record is at least 2 years of age but younger than the mandatory age for full time school and MassJOBS slots are available (waiver (7)). Additionally, MassJOBS participation will be mandatory for dependent children who are 16 years of age or older and who are not attending school full time and teen parents who have not graduated from high school and who are attending a GED program. If a recipient is not a mandatory participant, he or she may volunteer to participate subject to appropriations.

Waiver of 402(a)(19)(B) and (C) and various provisions of 45 CFR 250.30.

(3) MassJOBS Sanctions/Conciliation

The specific sanctions for failing to participate in MassJOBS will depend in part on whether the recipient is a mandatory participant and in which component the recipient is enrolled. See Work Program (waiver (4)); Full Employment Program (waiver (6)); Mandatory MassJOBS Participation (waiver (7)); and Teen Parents (waiver (23)) for the sanctions applicable to those components. Dependent children, who are 16 years of age or older and mandatory participants, who fail to participate will be sanctioned as follows: first occurrence - warning; second - mandated to participate in the Community Service Component; and third - grant reduction. Mandatory participants will not have Employment Plans developed unless the participant is (i) a

dependent child, (ii) participating in the Full Employment Program, or (iii) required to participate in a component other than, or in addition to, the Work Program because slots are available.

Volunteers will have Employment Plans developed for them. Volunteers will be sanctioned for failing, without good cause, to meet participation requirements as follows: first occasion - warning; second - required to participate in the Community Service Program; third - grant reduced by recipient's portion; and fourth - entire assistance unit ineligible.

Current JOBS sanctions with regard to refusing to accept or terminating employment, or reducing earnings, without good cause, will continue to apply to all mandatory participants.

Waiver of

- **JOBS Sanctions**: 402(a)(19)(G) and various provisions of 45 CFR 250.34 and 250.35
- **JOBS Conciliation**: 402(a)(19)(A) and various provisions of 45 CFR 250.36

(4) **Work Program** (§110(j) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow Massachusetts to require families to participate in the Work Program, unless otherwise exempt, after the family has been on AFDC for sixty days. The Work Program will require participants to either work 20 hours per week or participate in the Full Employment Program. The work requirement may be satisfied by (i) working in a job for compensation, (ii) participating in the Community Service Program, or (iii) a combination of (i) and (ii). Employment plans will not be done for Work Program participants. Recipients who are required to participate in the Work Program and who fail do so, will be ineligible for assistance. For JOBS participation requirements and Federal Financial Participation, the Work Program will be considered a component of the MassJOBS Program.

- **JOBS Requirements and Exemption**: 402(a)(19)(A); 402(a)(19)(C) and various provisions of 45 CFR 250.30(a) and (b)
- **JOBS Sanctions**: 402(a)(19)(G) and various provisions of 45 CFR 250.34 and 250.35
- **JOBS Conciliation**: 402(a)(19)(A) and various provisions of 45 CFR 250.36

- **Assessments/Employment Plans**: 402(a)(19)(A) and various provisions of 45 CFR 250.41(a) and (b)
- **Community Service Program Requirements**: 45 CFR 250.63(d) and (f).

(5) **Grandfathering of 1/1/95 MassJOBS Participants from Work Program Requirements** (§110(f) and (j) of Chapter 5 of the Acts of 1995)

Waiver of 402(a) and the various provisions of 45 CFR 233.20(a)(1), to allow recipients who are not exempt from the Work Program but who were enrolled and participating in a MassJOBS component on January 1, 1995 to complete such component in lieu of having to participate in the Work Program. Additionally, such recipients will be eligible to receive assistance until they complete their component even if they would otherwise be subject to the time limit for receiving benefits (waiver (12)).

(6) **Full Employment Program** (§110(l) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow Massachusetts to establish a Full Employment Program. Under this Program, a participant in lieu of receiving coupons under the food stamp program and AFDC cash payments will receive employment (must work 40 hours per week, for not less than $4.50 per hour). If the participant's net wage amount is less than the participant's current grant plus food stamps, Massachusetts will supplement the amount necessary to equal such grant. If a participant's net wage amount is more than the participant's current grant plus food stamps, she will not receive a supplement, but will still be considered eligible for AFDC. In addition, an Individual Asset Account will be established by the employer for the participant at a rate of contribution of $1 per hour of work. The participant will have no access to the account until he/she leaves the Program for a job of at least 30 hours per week, or after twelve months in the Program, which ever is sooner. The account will not be counted as an asset for purposes of determining eligibility. Employers will be reimbursed for a portion of the wages paid. If a participant fails to carry out a program job successfully after a minimum of three attempts, the participant will be reassessed and assigned a mandatory placement in the community service program component of MassJOBS. Upon the recipient's first failure to meet the community service program component requirements, without good cause, the adult recipient will be sanctioned, on the second occasion the entire assistance unit will be ineligible for assistance.

- **Individual Asset Accounts** - to make these accounts noncountable and to disregard as income deposits made to them, waiver of: 402(a)(7)(B) and various provisions of 45 CFR 233.20(a)(3)(i)(B); 402(a)(7) before clause (A) and various provisions of 45 CFR 233.20(a)(3)(ii), (xiv), and (xviii).
- **JOBS Sanctions**: 402(a)(19)(G) and various provisions of 45 CFR 250.34 and 250.35.
- **JOBS Conciliation**: 402(a)(19)(A) and various provisions of 45 CFR 250.36
- **Net Wages Exceed Grant** - to allow these participants to continue in the Program and to be considered AFDC recipients, Waiver of: 402(a)(7)(B) and various provisions of 45 CFR 233.20(a)(3)(ii).

(7) Mandatory MassJOBS Participation - When Volunteers Do Not Fill All Available Slots (§110(h) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow Massachusetts to require MassJOBS participation of nonexempt recipients (subject to the time limit for receiving benefits) whose child of record is two years of age or older but younger than the mandatory age for attending school, and nonexempt recipients whose child of record is of or older than the mandatory age for attending school, if program availability level exceeds the number of volunteers. Employment Plans will be developed for these recipients. If a recipient fails to comply with his/her Employment Plan on two occasions the recipient will be required to do Community Service. If he/she fails to meet the Community Service requirements, he/she will be sanctioned and if he/she fails again, the entire assistance unit will be ineligible for assistance. For recipients whose child of record is of mandatory school age, MassJOBS participation will be in addition to the 20 hour Work Program requirement and in a component other than the Work Program.

- **JOBS Sanctions**: 402(a)(19)(G) and various provisions of 45 CFR 250.34 and 250.35
- **20 Hour Limitation**: 402(a)(19)(C)(iii)(II) and various provisions of 45 CFR 250.30(b)
- **JOBS Conciliation**: 402(a)(19)(A) and various provisions of 45 CFR 250.36
- **JOBS Requirements and Exemptions**: 402(a)(19)(C)(exemptions limited to those set forth in section 110(e) of Chapter 5 of the Acts of 1995 and various provisions of 45 CFR 250.30.

(8) **Community Service Program**

The Community Service Program (whether participating in it as part of the Work Program or to meet other requirements) will require participants to work a minimum of twenty hours per week. Mandatory participants will be given preference in placement in community service jobs over volunteers. Waiver of 402(a)(19)(B) and various provisions of 45 CFR 250.31 and 250.63(d) and (f).

(9) **Job Search**

Waiver of 402(a)(19)(A) and various provisions of 45 CFR 250.60(c), (d) and (e) to allow Massachusetts to require job search without time limit (elimination of the 4 month and eight weeks' limitations).

(10) **Different Level of Assistance for Families Who Are Exempt from Time Limit/Work Requirements and Families Who Are Non-Exempt** (§110(d) of Chapter 5 of the Acts of 1995)

Waiver of 402(a) and various provisions of 45 CFR 233.20, to allow Massachusetts to provide lower levels of assistance to families which are subject to the time limit for receiving benefits (waiver (12)) and the Work Program (waiver (4)) than to those families which are exempt. This request is dependent upon Massachusetts also receiving the waiver requested in (11).

(11) **Extension /Modification of the $30 and 1/3 Disregard** (§110(g) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to increase the $30 and 1/3 disregard to $30 and ½ if a recipient's grant is at a reduced level (waiver request (10)) because she is not exempt from the benefit time limit/Work Program requirements and to allow the recipient to be eligible for the increase disregard for the entire period of her eligibility (potentially 24 months in a 60-month period). The current $30 and 1/3 disregard rules, without a time limit, will continue to apply to those applicants and recipients who are exempt from the benefit time limit and Work/Program requirements. 402(a)(8)(A)(ii) and (iv) and 402(a)(8)(B)(ii); and various provisions of 45 CFR 233.20(a)(11)(i) and (ii)(B); and 233.20(a)(1) and (7)(ii).

(12) **Time-Limited Benefits** (§110(f) of Chapter 5 of the Acts of 1995)

Waiver of 402(a), to allow Massachusetts to limit AFDC assistance for certain recipients to a period not to exceed 24 months during a continuous 60-month period.

Waiver of 402(a)(7), 402(a)(38) and various provisions of 45 CFR 206.10, to allow a dependent child who becomes a parent herself to be eligible for assistance for herself and child when her parent's case closes and she continues to live with her parent and otherwise meets teen parent requirements.

(13) **Family Cap/Child of Record** (§110(c) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow Massachusetts to cap the amount of AFDC assistance a family will receive based on the size of the family as of July 1, 1995 or, if later, the first time the family receives or applies for assistance:

- **Needs Evaluation of Certain Relatives** 402(a)(7), 402(a)(38) and various provisions of 45 CFR 206.10 that requires certain relatives in the household to be included and evaluated for eligibility because they are related to other eligible members of the family.
- **Different Payments** 402(a) and various provisions of 45 CFR 233.20(a)
- **Definition of Dependent Child** 406(a) and 407.

(14) **Children Born After the Child of Record** (§110(c) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions, to allow Massachusetts to deny assistance to children born after the child of record even if the application is made on behalf of the child other than the child's parent(s), unless certain exceptions are met:

- **Needs Evaluation of Certain Relatives** 402(a)(7); 402(a)(38); 402(a)(41) and various provisions of 45 CFR 206.10 that requires certain relatives in the household to be included and evaluated for eligibility because they are related to other eligible members of the family.
- **Definition of Dependent Child** 406(a) and 407

(15) Non-Assignment of Child Support Attributable to Children Born after the "Child of Record" (§110(c) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow up to $90 of child support, per child, per month to be paid directly to the family rather than assigned to the state if such child support is directly attributable to child(ren) born after the "child of record" and results in an increase overall in the amount of child support paid to or on behalf of the family. Such amount of child support paid to the family will not be counted in determining the eligibility of the family for AFDC: 402(a)(38); 402(a)(7) before clause (A); and various provisions of 45 CFR 206.10(a)(1)(vii) and 233.20(a)(3)(i)(B) and (v). Children born after the "child of record" will be considered part of the filing unit but not part of the assistance unit. If a child born after the "child of record" does not receive child support but has other countable income, the first $90 of the countable income will be deemed to be noncountable.

(16) Categorical Eligibility Based on Incapacity

Waiver of 402(a), 406(a) and various provisions of 233.90(c)(1)(iv) to allow Massachusetts to implement a single standard for incapacity. Determinations as to whether a child is deprived of parental support because of a parent's incapacity will be based on the same standard that will be used in determining if a recipient is exempt from the Work Program/time limit requirements. That standard will be similar to that used in the State's Emergency Aid for the Elderly, Disabled and Children Program.

(17) Elimination of 100 Hr. Rule for Two Parent Families (§110(g) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow Massachusetts to provide assistance to a two parent family which includes a needy child regardless of whether the principal wage earner of such family is employed for one hundred hours a month or more: 402(a)(41); 407; and various provisions of 45 CFR 233.100(a)(1)(i) and (ii) and (c)(1)(iii); 233.101(a)(1) and (c)(1)(iii).

(18) **Determination of Good Cause/Child Support Enforcement** (§21 of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(26)(B) and various provisions of 45 CFR 232.41, to allow Massachusetts to have IV-D workers make determinations regarding good cause for non-cooperation with child support enforcement requirements.

(19) **Verification of Good Cause/Child Support Enforcement** (§21 of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(26)(B) and various provisions of 45 CFR 232.12(b)(3), to allow Massachusetts to require recipients to provide a minimal amount of information about a non-custodial parent in order to be deemed to be cooperating with child support enforcement. An affidavit attesting to the lack of any information will not meet this minimum requirement.

(20) **Requirement of Structured Settings for Teen Parents 18 Year of Age or Older but Under the Age of 20 Years** (§110(i)(1) of Chapter 5 of the Acts of 1995)

Waiver of 402(a) to allow Massachusetts to require 18-and 19-year-old parents who are recipients to live with certain relatives or in structured settings unless certain criteria are met.

(21) **Requirement of Structured Settings for Teen Parents Under 18 Years of Age** (§110(i)(1) of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(43)(B) and various provisions of 45 CFR 233.107(a) and (e), to limit the exceptions to the requirement that parents under the age of 18 years who are applying/receiving benefits for themselves and their children live with certain relatives or in a structured setting to those set forth in the State's waiver request.

(22) **Structured Settings for Parents Under the Age of 20 - Requirement That a Portion of Grant Be Used to Pay Rent** (§110)(i)(4) of Chapter 5 of the Acts of 1995)

Waiver of the money payment principal (no restrictions on the use of grants), 403(a)(1) and various provisions of 45 CFR 234.11, 234.60 and 234.120, to allow Massachusetts to pay a

portion of the grant of a recipient who is living in a structured setting directly to the residence for rent without a showing of mismanagement.

(23) <u>Limitation on Assistance to a Family Headed by a Parent Under the Age of 20</u>

(§110(i)(2) of Chapter 5 of the Acts of 1995)

Waiver of the following provisions to allow Massachusetts to deny or terminate assistance to a family headed by a parent under the age of 20 years, unless the parent has graduated from, or is enrolled in, a program for a high school diploma or a general equivalency degree certificate:

- 402(a)(19)(A) and various provisions of 45 CFR 250.41 JOBS Program - to allow Massachusetts to mandate basic education for those recipients who are head of households under the age of 20.
- 402(a)(19)(G) and various provisions of 45 CFR 250.34(a)(1),(c) and (e) and 250.35: JOBS sanctions-to allow Massachusetts to apply fiscal sanctions (denial or termination of the entire assistance unit) if head of household fails to attend school.
- 402(a)(19)(C)(v) and various provisions of 45 CFR 250.30(b)(1)(i) and (ii) to allow Massachusetts to require custodial parents under the age of 16 years to participate in basic education.
- 402(a)(19)(C)(ii), (iii) and (iv) and various provisions of 45 CFR 250.30(b)(6), (b)(7), (b)(9) and (b)(10), to allow Massachusetts to require school attendance even if the head of household is otherwise working, is needed in the home because another member of the household is disabled or ill, is a parent of a child under the age of 3 years, or is a VISTA volunteer.
- 402(a)(19)(C)(vi); various provisions of 45 CFR 250.30(b)(8);
- 402(a)(19)(E); and various provisions of 45 CFR 250.32(a) - to allow Massachusetts to require medically able pregnant AFDC recipients under the age of 20 to participate in basic education on the same basis as non-pregnant custodial parents under the age of 20.
- 402(a)(19)(A) and various provisions of 45 CFR 250.36 - to exempt the state from the requirement to have conciliation procedures to resolve disputes related to participation in high school or a general equivalency degree certificate program.
- 402(a)(19)(F)(i) and various provisions of 45 CFR 250.48 - to allow Massachusetts to preclude participation in vocational or technical training in lieu of attendance in an academic high school or education development certificate program.

(24) **Grandparent Deeming Rules** (§110(i)(1) of Chapter 5 of the Acts 1995)
Waiver of the following provisions to allow Massachusetts in determining the amount of a grant to be given to a recipient (under the age of 18) who is a parent and living with her/his own parent(s) to disregard the income of the household up to 200% of the poverty level for a family of comparable size unless such income is earned by the recipient: 402(a)(7); 402(a)(39) and various provisions of 45 CFR 233.20(a)(3)(xviii).

(25) **Learnfare** (§121 of Chapter 5 of the Acts of 1995)
Waiver of 402(a) to allow Massachusetts to impose a fiscal sanction when a child in the assistance unit, under the age of fourteen years, fails to attend school at a level prescribed by the State. No aid will be provided on behalf of such child.

(26) **Immunization Requirement** (§122 of Chapter 5 of the Acts of 1995)
Waiver of 402(a) and various provisions of 45 CFR 233.20(a)(3)(viii), to allow Massachusetts to impose a fiscal sanction on the adult recipient who does not provide a certification of immunization for each dependent child in the assistance unit. Both parents will be sanctioned in a two-parent assistance unit.

(27) **Direct Payment of Rent to Landlords** (§124 of Chapter 5 of the Acts of 1995)
Waiver of 403(a)(1) and various provisions of 45 CFR 234.11(a), 234.120 and 234.60 to allow Massachusetts to make rent payments directly to landlords or property managers if recipients fail to pay rent for six consecutive weeks. A showing of mismanagement will not be required. Also, a waiver of 403(a)(1) and various provisions of 45 CFR 234.11(a) and 234.120 to allow Massachusetts to include in the vendor payment a reasonable amount for the rent arrearage.

(28) **Increase in Asset Limit to $2,500** (§110(b) of Chapter 5 of the Acts of 1995)
Waiver of 402(a)(7)(B) and various provisions of 45 CFR 233.20(a)(3)(i)(B), to allow Massachusetts to increase the resource limit from $1,000 to $2,500.

(29) **Treatment of Motor Vehicles** (§110(b) of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(7)(B)(i) and various provisions of 45 CFR 233.20(a)(3)(i)(B)(2), to allow Massachusetts to exclude from "countable" assets the fair market value up to $5,000 of one licensed motor vehicle. Any value in excess of $5,000 will be countable. The full value of any motor vehicle over one will be counted.

(30) **Lump Sum Income** (§111 of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(17) and various provisions of 233.20(a)(3)(ii)(F), to allow Massachusetts to treat as noncountable income in the month of receipt the first $600 received as an inheritance, lottery or contest winnings, or as a damage award, for purposes of the gross income test and/or the lump sum rules. The balance of the amount received would be countable. After the month of receipt, the $600, or any part thereof then remaining, will be counted as an asset.

(31) **Increased Penalties For Fraud** (§§110(F), 113 and 114 of Chapter 5 of the Acts of 1995)

Massachusetts will permanently disqualify from AFDC an individual on his/her first conviction for AFDC fraud. This will be limited to court convictions. Also, Massachusetts will permanently disqualify from AFDC an individual who is found to have fraudulently received AFDC under two or more separate applications. This latter disqualification will be applicable whether the finding was made by a court of law, an administrative hearing, or a waiver of such hearing. Such individuals will be required to reimburse Massachusetts the entire amount of AFDC paid (not limited to the overpayment portion) (§113 of Chapter 5 of the Acts of 1995).

In addition, an individual who is found guilty (court conviction) of fraudulently claiming to be exempt from the Work Program/time limit requirements will be ineligible for any other assistance program administered by the Commonwealth, including but not limited to, Medicaid, Food Stamps and Emergency Assistance, until the overpayment is repaid, any fine paid and any sentence served. (§110(f) of Chapter 5 of the Acts of 1995) Also, an individual who is found guilty (court conviction) of any other AFDC fraud, in addition to being disqualified permanently from the AFDC program, will be ineligible for Food Stamps, Emergency Assistance, the State's

Emergency Aid to the Elderly, Disabled and Children program, and any other program administered by the Department of Transitional Assistance, until the overpayment is repaid, any fine paid, and any sentence imposed, served in full. Similarly, if an individual is found guilty of committing fraud in any other program administered by the Department of Transitional Assistance, by a court of law, he or she will be ineligible for AFDC until full restitution is made, any fine is paid, and any sentence served in full. (§114 of Chapter 5 of the Acts of 1995)

Waiver of:

- **Fraud** 402(a) and various provisions of 45 CFR 235.112(c).
- **Eligibility** 402(a)
- **Recoupment** (not limited to overpayments) 402(a)(22) various provisions of 45 CFR 233.20(a)(13)

(32) Release of Program Information - Department of Revenue (§118 of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(9) and various provisions of 45 CFR 205.50, to allow the Department of Transitional Assistance to notify the Department of Revenue whenever it is learned that a recipient or applicant has been incarcerated.

(33) Disclosure of Applicant and Recipient Data to Warrant Management System (§11 of Chapter 5 of the Acts of 1995)

Waiver of 402(a)(9) and various provisions of 45 CFR 205.50 restricting disclosure of applicant and recipient data, to allow Massachusetts to forward the identities of applicants or recipients who have outstanding default warrants to law enforcement agencies.

(34) Ineligibility for AFDC if Applicant/Recipient Has an Outstanding Default Warrant (§11(f) of Chapter 5 of the Acts of 1995)

Waiver of 402(a) to allow Massachusetts to deny or terminate assistance to anyone who has an outstanding default warrant against them if the warrant was issued by any court of the Commonwealth.

(35) **Clothing Allowance as a Voucher** (§132 of Chapter 5 of the Acts of 1995)

Waiver of 403(a)(1), **Money Payment principal**, and various provisions of 45 CFR 234.11 and 234.120, to allow Massachusetts to issue allowance as a special needs by voucher, rather than cash vouchers will be redeemable at various stores.

(36) **Implementation - Phase-In**

Waiver of 402(a) to allow Massachusetts to phase-in the Demonstration Project.

(37) **Control Group**

Waiver of the following provisions to allow Massachusetts to maintain a Control Group as to which current AFDC rules would apply rather than the various demonstration rules:

- Statewideness 402(a)(1) and various provisions of the regulations at 45 CFR 205.120(a) and 233.10(a)(1)(iv).
- Differential Payments 402(a)(1) and various provisions of 45 CFR 233.20(a)(1) and (2).

EVALUATION PLAN

The Commonwealth's welfare reform demonstration will be evaluated by an independent vendor using randomly selected experimental and control groups. The Department will issue a Request for Proposals (RFP) for an evaluation contractor within 90 days of the approval of this waiver request.

The RFP will include a general description of the objectives of the demonstration and the research questions to be addressed. The following section reflects the anticipated framework of the services to be procured through the RFP process.

Prospective vendors will be required to describe in detail their proposed evaluation plan, including the research approach, data collection methods, analytic techniques and variables to be used to address each of the hypotheses listed below.

The evaluation will consist of three major components: an impact analysis, which will measure the effects of the demonstration, and test each of the hypotheses described below; a cost/benefit study, to determine the financial impact of the demonstration; and a process study, to examine how the demonstration is implemented.

Hypotheses to be Tested

The impact evaluation will compare the experimental and control groups for statistically significant differences in selected outcome measures in order to test each of the following hypotheses:

1A. The demonstration will increase employment among AFDC recipients.

1B. The demonstration will reduce AFDC expenditures.

The most significant goal of this demonstration is to increase the labor force participation of AFDC recipients. At the same time, it is critical that cash assistance expenditures are reduced, in order to provide funding for child care services related to employment. Policy changes expected to achieve these goals include the time limit on assistance; increased earned income disregards; the AFDC grant reduction for non-exempt families; the full employment program; the work requirement; elimination of the "100 hour" rule; and changes to the treatment of vehicles and assets.

Outcome measures related to this research question include: employment rates; length of employment; amount of earned income; hours worked per month; AFDC participation; AFDC payment amounts; length of participation on AFDC; and rates of return to AFDC after leaving public assistance.

2A. The demonstration will result in increased paternity establishment.

2B. The demonstration will result in improved self-sufficiency for AFDC recipients through child support collections.

The reform plan strengthens child support enforcement through changes to the process for establishing paternity. The Department, through its contractor, will measure both the effect that the changes have on establishing paternity, and the impact of child support payments actually collected on families moving from welfare to work.

Outcome measures related to this question will include: the proportion of absent parent cases for which paternity has been established; total child support collected on behalf of AFDC families (including arrearages); and actual child support payments made to current and former AFDC families.

3. **The demonstration will reduce the welfare participation of teen parents.**

The reform plan places special emphasis on parents under the age of 20, requiring them to live in a structured environment and complete high school or a general equivalency degree program. In addition, provisions regarding grandparent deeming are being waived so that certain minor parents are not penalized financially for remaining at home. It is expected that these measures will improve the family stability of teen parents, and reduce their dependence upon AFDC.

Outcome measures related to this hypothesis include (as they relate to teen parents): employment rates; length of employment; amount of earned income; hours worked per month; AFDC participation; AFDC payment amounts; length of participation on AFDC; rates of return to AFDC after leaving public assistance; and educational attainment.

4. **The demonstration will increase the educational attainment of AFDC dependents.**

The reform plan recognizes the importance of educational attainment for the future achievement of children in AFDC families. The Learnfare provisions are designed to improve the school participation and completion rates for children of AFDC families, by requiring school attendance for all children under age 14.

Related outcome measures include: the proportion of children attending school regularly; drop-out rates; and rates of graduation and grade completion.

5. **The demonstration will increase the proportion of children on AFDC who have been properly immunized.**

The reform plan requires universal immunizations for AFDC children, in order to improve the health of children in AFDC families, and to reduce the need for preventable medical services.

The outcome measure related to this question is the proportion of children who have received the appropriate immunizations.

6. **The demonstration will reduce the number of births to families receiving AFDC benefits.**

Between 9 percent and 10 percent of all births in Massachusetts each year occur within families who have been receiving AFDC for the preceding nine months or more, decreasing the ability of those families to become self-sufficient. The family cap provision of the demonstration is designed to reduce the number of children born to families receiving AFDC.

The outcome measure related to this question is the number of children born to AFDC recipients.

7. **The demonstration will result in an increase in two-parent families.**

Currently, the majority of AFDC household heads have never married, and more than 90 percent are currently single parents. The presence of two parents in the home provides a higher degree of economic security, and is associated with a number of other positive outcomes for children. The demonstration is expected to result in an increase in the proportion of AFDC families entering into marriage as a result of eliminating the marriage disincentive of the "100 hour rule". In addition, the overall range of policy changes may have some impact on family formation.

Outcome measures related to this question include: marriage and separation rates, and changes in deprivation status between AFDC-Basic and AFDC-Unemployed Parent.

8. **The demonstration will result in a reduction in fraudulent activity.**

The demonstration increases the penalties for fraudulently obtaining welfare benefits. These changes should decrease the incidence of abuse in the AFDC program.

Outcome measures for this hypothesis include: referrals for fraud investigations and findings of fraud, including administrative disqualification, voluntary agreements, convictions or other adjudications.

9. **Program benefits provided as a clothing allowance will be targeted more effectively for the purchase of clothing for children.**

In the past, the Department has provided an annual clothing allowance to AFDC recipients as an unrestricted cash payment. This demonstration will convert this payment to a voucher which can be transacted only for the purchase of clothing.

The outcome measure for this hypothesis is the type of commodity purchased with the annual clothing allowance.

Experimental Design

The demonstration will be rigorously evaluated, comparing certain program outcomes of families assigned to experimental and control groups. These groups will be selected at random from families served by a limited number of local offices. The contractor selected through the RFP process will:

- Identify the minimum size of the experimental and control groups necessary to examine the validity of the hypotheses described above, using standard statistical tests, to a generally accepted degree of precision.
- Identify the minimum number of local welfare offices from which the experimental and control groups can be selected. In selecting these offices, the contractor will determine the

smallest number of sites possible, for the purposes of management efficiency and cost-effectiveness. The offices shall be selected to reflect the characteristics of the statewide caseload as well as other critical factors identified by the contractor.

- Develop and implement a methodology for random assignment of applicants and recipients that will result in experimental and control groups of the appropriate size.

- Develop and implement data requirements, methodology, and analysis for testing each hypothesis, as part of a comprehensive impact analysis of the welfare reform demonstration. The methodology will, to the fullest extent feasible, disaggregate the impacts of individual program components.

- Address potential methodological problems, such as changes in the family composition of experimental and control group members, attrition from those groups, unrepresentative samples, etc. The contractor will also be expected to develop strategies for identifying and minimizing such problems.

- Develop and implement a methodology to assess the fiscal effect of the welfare reform demonstration as part of a comprehensive cost/benefit analysis. This analysis will measure actual short-term costs and savings, as well as projections for long-term costs and savings. Distinctions will be made between the financial impact on the federal government and the Commonwealth.

- Develop and implement a methodology for a process study to assess how the demonstration is developed and implemented. The process study will include an evaluation of both organizational and service issues, and draw conclusions about the relationship between program management and program outcomes.

Cost Benefit Analysis

The contractor will perform a cost/benefit analysis to determine the overall impact of the demonstration on federal and state expenditures. The analysis will be based upon the experimental design developed for the impact analysis. It will take into consideration the broadest possible range of federal and state costs, and provide a distinct accounting of costs and savings by individual program area.

The cost/savings analysis will be designed to complement the impact analysis, so that specific components of the demonstration that generate significant impacts on costs and/or savings can be identified.

The analysis will be conducted on an ongoing basis throughout the duration of the evaluation. The initial analysis will be due after the first 12 months of operation and will be updated quarterly thereafter.

Programmatic costs and administrative expenditures (where appropriate) for the following programs, at a minimum, will be included:

1. Aid to Families with Dependent Children (cash assistance)
2. Food Stamps
3. Medical Assistance
4. Supplemental Security Income
5. Job Opportunities and Basic Skills Program
6. Child Care
7. Emergency Assistance
8. Child Support
9. Child Welfare Services (including foster care)

Specifically, the contractor will:

- Assign a monetary value to the costs and benefits of operating the welfare reform demonstration, identifying the specific costs and benefits to be evaluated.
- Allocate costs and benefits to program participants, Massachusetts, and the federal government.
- Project costs and benefits into the future.

Process Study

The final component of the evaluation will be a process study. This will analyze the way in which the demonstration is developed and implemented. The process study will include an evaluation of both organizational and service issues, and draw conclusions about the relationship between program management and program outcomes.

Data to be Collected

Program data to be collected for the evaluation include:

- Program participation data (dates of assistance, spell duration, exits, reopenings);
- Financial data (public assistance, earnings, other income, hours of employment);
- Demographic data (age, ethnicity, education, work experience, family composition, etc.);
- Child Support Enforcement data (paternity establishment, orders, current collections, arrears);
- Educational achievement (school attendance, graduation, grade advancement, drop-outs);
- Fraud statistics (referrals, investigations, findings, recoupment);
- Vital statistics (births, deaths, marriages, divorces);
- Information on clothing allowance purchases;
- Qualitative administrative information; and
- Other information identified by the evaluation contractor.

Data Collection Procedures

Data will be collected monthly, utilizing the automated eligibility systems of the Department of Transitional Assistance and other state agencies, including the Division of Medical Assistance and the Department of Revenue. Manual collection of data through surveys or interviews may be

necessary for specific information. This will be performed according to procedures developed by the evaluation contractor.

Attachment A: EAEDC Medical Standards

320.210: Medical Standards

(A) Musculoskeletal System

(1) Arthritis of Any Major Joint. (hips, knees, hands or feet) Arthritis of any major joint must be substantiated by:

(a) the presence of three or more of the following clinical findings lasting for more than 15 days and expected to last for at least 60 days:

1. pain;
2. swelling;
3. tenderness;
4. warmth;
5. redness;
6. stiffness;
7. limitation of motion; and

(b) corroboration of the diagnosis by at least two of the following:

1. positive serologic test for rheumatoid factor; or anti-nuclear antibody or HLAB antigen
2. elevated sedimentation rate;
3. positive joint fluid culture;
4. elevation of white blood count;
5. significant anatomical deformity; or
6. x-ray evidence of significant joint space narrowing or bony destruction.

(2) Disorders of the Spine. Disorders of the spine must be demonstrated by one of the following:

(a) x-ray evidence of significant arthritic changes manifested by ankylosis, or fixation, or motion limitation (objective)

(b) Bone density evidence of significant osteoporosis manifested by pain and real motion limitation;

(c) evidence of other vertebragenic disorders (for example, herniated nucleus pulposus or spinal stenosis), with:

1. pain and significant limitation of motion in the spine; and
2. appropriate radicular distribution of significant sensory, motor, or flex abnormalities; or

(d) evidence of acute back strain with pain and significant limitation of motion lasting more than 15 days and expected to last for at least 60 days.

(3) Fracture of a Major Bone. When solid union has not occurred and incapacity is expected to last for at least 60 days.

(4) Soft Tissue Injuries or Loss. Soft tissue injuries or loss, including burns, must be demonstrated by one of the following, which lasts more than 15 days and can be expected to last for at least 60 days:

(a) significant loss which prohibits function of an upper or lower extremity;
(b) significant body surface involvement; or
(c) involvement of critical areas such as hands and feet that prevents their use

(B) Special Senses and Speech

(1) Impairment of Central Visual Acuity. Remaining vision in the better eye after best correction must be 20/100 or less and must be expected to last for at least 60 days.

(2) Contraction of Peripheral Visual Fields. Contraction of peripheral visual fields in the better eye must be:

(a) to 20° or less from point of fixation;
(b) so the widest diameter subtends an angle no greater than 25° ; or
(c) to 25 percent or less visual field efficiency; and must be expected to last at least 60 days.

(3) Hearing Impairments. Hearing must not be restorable by a hearing aid, and the impairment must be manifested by one of the following:

(a) average hearing threshold sensitivity for air conduction of 90 decibels or greater; and for bone conduction to corresponding maximal levels, in the better ear, determined by the simple average of hearing threshold levels at 500, 1000, and 2000 Hz; or
(b) speech discrimination scores of 40 percent or less in the better ear; and must be expected to last for at least 60 days.

(4) Disturbance of Labyrinthine-Vestibular Function. Disturbance of labyrinthine-vestibular function (including Meniere's disease) must be demonstrated by one or more attacks of balance disturbance and tinnitus within the 30-day period immediately preceding application for Emergency Aid to the Elderly and Disabled assistance. The symptoms must persist for at least 60 days and affect daily functions and the diagnosis must be corroborated by:
(a) hearing loss established by audiometry; or
(b) Standard vestibular test (ENG) with or without hearing loss established by audiometry

(C) Respiratory System

(1) Chronic Obstructive Airway Disease. Spirometric evidence of airway obstruction must be demonstrated by maximum voluntary ventilation (MVV) and one-second forced expiratory volume (FEV1) with both values equal to or less than those specified in Table I, corresponding to height; and expected to last for at least 60 days.

Table I

Height (inches)	MVV (MBC) equal to or less than (L/Min)	And	FEV1 equal to or less than (L)
57 or less	42		1.5
58	43		1.5
59	44		1.5
60	45		1.6
61	46		1.6
62	47		1.6
63	48		1.6
64	49		1.7
65	50		1.7
66	51		1.7
67	52		1.8
68	53		1.8
69	54		1.8
70	55		1.9
71	56		1.9
72	57		1.9
73 or more	58		1.9

(2) Diffuse Pulmonary Fibrosis. Diffuse pulmonary fibrosis due to any cause must be demonstrated by both of the following; and expected to last for at least 60 days.

(a) Total vital capacity (VC) must be equal to or less than the values specified in Table II below, corresponding to height.

Table II

Height or less than (inches)	VC equal to (L)
57 or less	1.7
58	1.8
59	1.8
60	1.9
61	1.9
62	2.0
63	2.0
64	2.1
65	2.1
66	2.2
67	2.2
68	2.3
69	2.3
70	2.4
71	2.4
72	2.5
73 or more	2.5

(b) Arterial oxygen tension (po2) at rest and simultaneously determined arterial carbon dioxide tension (pCO2) values must be equal to or less than those specified in Table III below.

Table III

Arterial pco2 (mm Hg)	Arterial po2 equal to or less than (mm Hg)
30 or below	75
31	74
32	73
33	72
34	71
35	70
36	69
37	68
38	67
39	66
40 or above	65

(3) Other Restrictive Ventilatory Disorders. Other restrictive ventilatory disorders (such as kyphoscoliosis, thoracoplasty, and pulmonary resection) must be substantiated by total vital capacity (VC) equal to or less than the values specified in Table IV below, corresponding to height; and expected to last at least 60 days.

Table IV

Height (inches)	VC equal to or less than (L)
59	1.5
60	1.6
61	1.6
62	1.6
63	1.6
64	1.7
65	1.7
66	1.7
67	1.8
68	1.8
69	1.8
70	1.9

(4) Active Pulmonary Tuberculosis. Active pulmonary tuberculosis must be corroborated by either:

(a) positive culture; or
(b) x-ray evidence of increasing lesions or cavitation; and expected to last at least 60 days.

(5) Other Respiratory Disorders. Other respiratory disorders must be shown by the presence of at least two of the following ((a), (b), or (c) below) for more than 15 days and expected to last at least 60 days:

(a) shortness of breath, wheezing, rhonchi, rales, cough, or fever;
(b) significant x-ray changes; or
(c) significant laboratory abnormalities.

(D) Cardiovascular System

(1) Open Heart Surgery. The period of incapacity will expected to last at least 60 days and meet the criteria in 106 CMR 320.210(D) (3) or (4) below.

(2) Ischemic Heart Disease.

(a) Ischemic heart disease, with chest pain of cardiac origin, must be corroborated by one of the following:

1. significantly diminished exercise tolerance corroborated by results of ETT;
2. significant ischemic changes on resting EKG;
3. EKG evidence of myocardial infarction at some time and symptoms if EKG evidence is more than 6 months old;
4. development of significant arrhythmia;
5. angiographic evidence (obtained independently) of coronary artery disease; or
6. development of left bundle branch block.

(b) If ischemic heart disease is ruled out after an extensive work-up the period of incapacity will be 90 days if:

1. symptoms lasted at least 15 days; or
2. substantial work activity is precluded by a physician's orders for at least 90 days.

(3) Congestive Heart Failure. Congestive heart failure must be manifested by evidence of vascular congestion such as hepatomegaly, or peripheral or pulmonary edema; with either of the following present; and expected to last at least 60 days.

(a) evidence of congestive heart failure on clinical examination; or
(b) significant x-ray or EKG changes.

(4) Arteriosclerosis Obliterans or Thromboangiitis. Arteriosclerosis obliterans or thromboangiitis must be substantiated by both:

(a) intermittent claudication; and
(b) absence of peripheral arterial pulsations below the knee; and be expected to last for at least 60 days.

(5) Venous Insufficiency of the Lower Extremity. Venous insufficiency of the lower extremity must be expected to last at least 60 days and be associated with two or more of the following:

(a) varicosities;
(b) brawny edema;
(c) stasis dermatitis;
(d) ulceration;

(E) Digestive System

Impairments affecting the digestive system that are considered incapacitating are listed in 106 CMR 320.210(E)(1) through (3) below.

(1) Gastrointestinal Disorders

(a) Gastrointestinal disorders must be substantiated by the presence of three or more of the following symptoms lasting more than seven days and expected to last at least 60 days:

1. pain;
2. nausea;
3. vomiting;
4. diarrhea;
5. bloody stools; or
6. abdominal distension

(b) Gastrointestinal disorders expected to last more than 90 days must demonstrate the presence of clinical findings under 1. and 2. below.

1. significant pathology demonstrated by x-ray, endoscopy, barium enema, biopsy, or other objective criteria; or
2. the presence of one of the following:

a. abscess or fistula formation;
b. hematocrit of 30 percent or less;
c. serum albumin of 3.0 g per deciliter (100 ml) or less;
d. serum calcium of 8.0 mg per deciliter;
e. fat in stool of 7.0 m or greater per 24-hour specimen;
f. nitrogen in stool of 3.0 g or greater per 24-hour specimen;
g. evidence of pancreatic dysfunction; or
h. systemic manifestations such as arthritis, iritis, or liver dysfunction not attributable to other causes.

(2) Diseases of the Liver

(a) Acute Hepatitis (Viral A, B, Non-A, Non-B).

Incapacity expected to last more than 90 days must meet the criteria in 106 CMR 320.210(E)(2)(b) below.

(b) Chronic Liver Disease. Chronic liver diseases (portal, postnecrotic, or biliary cirrhosis, chronic active hepatitis, Wilson's disease) must be substantiated by a history of significant and unresolved hyperbilirubinemia, ascites due to hypoalbuminemia, or mental confusion lasting more than 15 days and expected to last at least 60 days; or if the impairment persists is expected to last more than 90 days and is accompanied by confirmation of liver disease by liver biopsy and demonstration (clinical) of 2 (two) of the following: below:

1. bleeding from esophageal varices or
2. hepatic cell necrosis or inflammation,
3. hepatic encephalopathy

(3) Weight Loss. Weight loss due to any gastrointestinal disorder must be substantiated by weight equal to or less than the values specified in Table V (for men) or Table VI (for women), corresponding to height and expected to last at least 60 days.

Table V -- Men

Height (inches)	Weight (pounds)
61	95
62	98
63	100
64	103
65	106
66	109
67	112
68	116
69	119
70	122
71	126
72	129
73	133
74	136
75	139
76	143

Table VI -- Women

Height (inches)	Weight (pounds)
61	82
62	84
63	87
64	89
65	92
66	94
67	97
68	100
69	104
70	107
71	111
72	114
73	117
74	121
75	124
76	128

Weight loss which continues for more than 90 days despite treatment and proper nutrition, must meet the criteria in 106 CMR 320.210(E)(1) or (2)(b) above.

(F) Genitourinary System

(1) Impairment of Renal Function. Impairment of renal function due to any cause must be substantiated by one of the following, which lasts more than 15 days and can be expected to last at least 60 days:

(a) elevation of serum creatinine;
(b) hematocrit of 30 percent or less;
(c) renal osteodystrophy manifested by bone pain and appropriate radiographic abnormalities;
(d) documented fluid overload syndrome;
(e) anorexia;
(f) hemodialysis or peritoneal dialysis; or
(g) proteinuria.

(G) Hemic and Lymphatic Systems

(1) Anemia. Anemia must be substantiated by one of the following:

(a) hematocrit of 30 percent or less if, acute or not tolerated or
(b) one or more blood transfusions required within the 30-day period immediately preceding application for Emergency Aid to the Elderly and Disabled assistance; and the incapacity is expected to last at least 60 days.

(2) Sickle Cell Disease. Sickle cell disease or one of its variants must be substantiated by a documented painful (thrombotic) crisis within the 30 day period immediately preceding application for Emergency Aid to the Elderly and Disabled assistance; and expected to last for at least 60 days.

(3) Hemorrhage. Hemorrhage due to any traumatic or nontraumatic cause must be substantiated by one or more blood transfusions required within the 30-day period immediately preceding application for Emergency Aid to the Elderly and Disabled assistance.

(H) Skin

All skin disorders and infections that last more than 15 days and that can be expected to last for at least 60 days will possibly be considered incapacitating when one of the following is present.

(1) Involvement of extensive body areas; or

(2) Involvement of critical areas such as hands, feet, axillae, perineum, or face

(I) Endocrine System

Diabetes mellitus must be substantiated by one of the following:

(1) Peripheral neuropathy manifested by decreased sensation and loss of vibration and positional sense;

(2) Significant visual impairment according to the criteria in the 106 CMR 320.210(B)(1) and (2), Special Senses and Speech;

(3) Amputation due to diabetic necrosis or peripheral vascular disease; or

(4) a documented episode of acidosis within the 30-day period immediately preceding application for Emergency Aid to the Elderly and Disabled assistance; and the incapacity is expected to last for at least 60 days.

(J) Multiple Body Systems

(1) Lupus Erythematosus. Disseminated lupus erythematosus must be established by a positive LE preparation or biopsy or positive ANA test. Exacerbation (involving renal, cardiac, pulmonary, gastrointestinal, or central nervous systems) must have occurred within the 30-day period immediately preceding application for Emergency Aid to the Elderly and Disabled assistance, and have lasted more than 15 days and be expected to last for at least 60 days.

(2) Obesity. Obesity must be substantiated by weight equal to or greater than the values specified in Table VII for males or Table VIII for females and one of the following:

(a) a history of significant pain and limitation of motion in any weight-bearing joint or the spine;
(b) significant hypertension;
(c) a history of significant cardiovascular difficulties;
(d) chronic venous insufficiency with pain or superficial varicosities; or
(e) significant respiratory difficulties; and

The incapacity is expected to last for at least 60 days.

Table VII -- Men		Table VIII -- Women	
Height (inches)	Weight (pounds)	Height (inches)	Weight (pounds)
60	246	56	208
61	252	57	212
62	258	58	218
63	264	59	224
64	270	60	230
65	276	61	236
66	284	62	242
67	294	63	250
68	302	64	258
69	310	65	266
70	318	66	274
71	328	67	282
72	336	68	290
73	346	69	298
74	356	70	306
75	364	71	314
76	374	72	322

(K) Neurological System

(1) Central Nervous System Vascular Accident. The period of incapacity is expected to last for at least 60 days and two of the following persists:

(a) ineffective speech or communication;
(b) significant disorganization of motor function in one or more extremities interfering with locomotion or use of fingers, hands and arms; and
(c) significant mental status abnormalities.

(2) Epilepsy - major motor seizures, (or partial complex), documented by EEG and by clinically detailed description of a typical seizure pattern, including all associated phenomena; occurring more frequently than once a month, in spite of at least 1 month of prescribed treatment; expected to last at least 60 days with:

(a) Daytime episodes (loss of consciousness and convulsive seizures) or
(b) Nocturnal episodes manifesting residuals which interfere significantly with activity during the day.

(3) Epilepsy - Minor seizures (petit mal, psychomotor, or focal), documented by EEG and by detailed description of a typical seizure pattern, including all associated phenomena; occurring more frequently than once weekly in spite of at least 1 month of prescribed treatment: with alteration of awareness or loss of consciousness and transient postictal manifestations of unconventional behavior or significant interference with activity during the day; and expected to last for at least 60 days.

(4) Parkinsonian syndrome with the following signs: Significant rigidity, bradykinesia, or tremor in two extremities or one, if in dominant hand with significant loss of dexterity which, singly or in combination, result in sustained disturbance of gross and dexterous movements, or gait and station; and expected to last for at least 60 days.

(5) Spinal cord or nerve root lesions, due to any course with disorganization of motor function expected to last for at least 60 days with significant and persistent disorganization of motor function in a single extremity, resulting in sustained disturbance of gross and dexterous movements, or gait and station.

(6) Multiple sclerosis. With disorganization of motor function expected to last for at least 60 days with:

(a) significant and persistent disorganization of motor function in two extremities, or one dominant upper extremity, resulting in sustained disturbance of gross and dexterous movements, or gait and station; or marked motor fatiguability;
(b) impairment of central visual acuity. Remaining vision in the better eye after best correction must be 20/100 or less and must be expected to last at least 60 days.
(c) contraction of peripheral visual fields. Contraction of peripheral vision fields in the better eye that is expected to last at least 60 days must be:

(1) To 20° or less from the point of fixation; or
(2) So the widest diameter subtends an angle no greater than 25°; or
(3) To 25 percent or less visual field efficiency; or

(7) Myasthenia gravis expected to last for at least 60 days with:

(a) significant difficulty with speaking, swallowing, or breathing while on prescribed therapy; or
(b) significant motor weakness of muscles of extremities on repetitive activity against resistance while on prescribed therapy.

(8) Myotonic muscular dystrophy with disorganization of motor function expected to last for at least 60 days with significant and persistent disorganization of motor function in two extremities, resulting in sustained disturbance of gross and dexterous movements, or gait and station.

(9) Peripheral neuropathies. With disorganization of motor function in spite of prescribed treatment expected to last for at least 60 days with significant and persistent disorganization of motor function in one extremity, resulting in sustained disturbance of gross and dexterous movements, or gait and station.

(10) Subacute combined cord degeneration (pernicious anemia) with disorganization of motor function as descried below not significantly improved by prescribed treatment and expected to last for at least 60 days with:

(a) significant and persistent disorganization of motor function in one extremity, resulting in sustained disturbance of gross and dexterous movements, or gait and station; and

(b) unsteady, broad-based or ataxic gait causing significant restriction of mobility substantiated by appropriate posterior column signs.

(11) Cerebral trauma: Evaluate under the provisions for epilepsy - Major motor, epilepsy - minor motor, cerebral nervous system vascular accident or organic mental disorders.

(L) Mental Disorders

(1) The following definitions should be used when referencing this section.

(a) Need for Medical Evidence: The existence of a medically determinable impairment must be established by medical evidence consisting of clinical signs, symptoms and/or laboratory test findings. These findings may be intermittent or persistent depending on the nature of the disorder. Clinical signs are medically demonstrable phenomena which reflect specific abnormalities of behavior, affect, thought, memory, orientation or contact with reality. These signs are typically assessed by a psychiatrist. Symptoms or complaints are presented by the individual. Signs and symptoms generally cluster together to constitute recognizable clinical syndromes (mental disorders). Both symptoms and signs which are part of any diagnosed mental disorder must be considered in evaluating severity.

(b) Assessment of Severity: For mental disorders, severity is assessed in terms of the functional limitations imposed by the impairment. Where "marked" is used as a standard for measure the degree of limitation, it means more than moderate, but less than extreme. A marked limitation may arise when several activities or functions are impaired or even when only one is impaired, so long as the degree of limitation is such as to seriously interfere with the ability to function independently, appropriately and effectively.

1. Activities of daily living including adaptive activities such as cleaning, shopping, cooking, taking public transportation, paying bills, maintaining a residence, caring appropriately for one's grooming and hygiene, using telephones and directories, using a post office, etc.. In the context of the individual's overall situation, the quality of these activities is judged by their independence, appropriateness and effectiveness. It is necessary to define the extent to which the individual is capable of initiating and participating in activities independent of supervision or direction.

   "Marked" is not the number of activities which are restricted but the overall degree of restriction or combination of restrictions which must be judged.

2. Social functioning refers to an individual's capacity to interact appropriately and communicate effectively with other individuals. "Marked" is not the number of areas in which social functioning is impaired, but the overall degree of interference in a particular area or combination of areas of functioning.

3. Concentration, persistence and pace refer to the ability to sustain focused attention sufficiently long to permit the timely completion of tasks commonly found in work settings. In activities of daily living, concentration may be reflected in terms of ability to complete tasks in everyday household routines. Deficiencies in concentration, persistence and pace are best observed in work and work-like settings.

4. Documentation: The presence of a mental disorder should be documented primarily on the basis of reports from individual providers, such as psychiatrists, and facilities such as hospitals and clinics. Adequate descriptions of functional limitations must be obtained from these or other sources which may include programs and facilities where the individual has been observed over a considerable period of time.

   Information from both medical and nonmedical sources may be used to obtain detailed descriptions of the individual's activities of daily living; social functioning; concentration, persistence and pace; or ability to tolerate increased mental demands (stress). This information can be provided by programs such as community mental health centers, day care centers, sheltered workshops, etc. It can also be provided by others, including family members, who have knowledge of the individual's functioning. In some cases descriptions of activities of daily living or social functioning given by individuals or treating sources may be insufficiently detailed and/or may be in conflict with the clinical picture otherwise observed or described in

the examination or reports. Evidence may include treatment notes, hospital discharge summaries, and work evaluation or rehabilitation progress notes if these are available. It is necessary to resolve any inconsistencies or gaps that may exist in order to obtain a proper understanding of the individual's functional restrictions.

Some individuals may have attempted to work or may actually have worked during the period of time pertinent to the determination of disability. This may have been an independent attempt at work, or it may have been in conjunction with a community mental health or other sheltered program which may have been of either short or long duration. Information concerning the individual's behavior during any attempt to work and the circumstances surrounding termination of the work effort are particularly useful in determining the individual's ability or inability to function in a work setting.

5. Chronic Mental Impairments: Particular problems are often involved in evaluating mental impairments in individuals who have long histories of repeated hospitalizations or prolonged outpatient care with supportive therapy and medication. Individuals with chronic psychotic disorders commonly have their lives structured in such a way to minimize stress and reduce their signs and symptoms. Such individuals may be much more impaired for work than their signs and symptoms would indicate. The results of a single examination may not adequately describe these individuals' sustained ability to function. It is therefore, vital to include all pertinent and available information relative to the individual's condition, especially at times of increased stress.

6. Effect of Medication. Attention must be given to the effect of medication on the individual's signs, symptoms and ability to function. While psychotropic medications may control certain primary manifestations of a mental disorder, e.g., hallucinations, such treatment may or may not affect the functional limitations imposed by the mental disorder. In such cases where overt symptomatology is attenuated by the psychotropic medications, particular attention should be included on the functional restrictions which may persist. These functional restrictions are important for the measure of impairment severity.

Neuroleptics, the medicines used in the treatment of some mental illnesses, may cause drowsiness, blunted effect, or other side effects involving other body systems. Such side effects must be considered in evaluating overall impairment severity. Where adverse effects of medications contribute to the impairment severity and the impairment does not meet the listings but is nonetheless severe, such adverse effects must be considered in the assessment of the disability.

7. Effect of Treatment: It must be remembered that with adequate treatment some individuals suffering with chronic mental disorders not only have their symptoms and signs ameliorated but also return to a level of function close to that of their premorbid status.

(2) Dementia with or without delirium. Psychological, cognitive or behavioral abnormalities associated with a dysfunction of the brain. History and physical examination or laboratory tests demonstrate the presence of specific organic factor judges to be etiologically related to the abnormal mental state and loss of previously acquired functional abilities.

The required level of severity for these disorders is met when the requirements in both (a) and (b) are satisfied; and they are expected to last for at least 60 days.

(a) Demonstration of loss of specific cognitive abilities or affective changes and the medically documented persistence of at least one of the following:

1. disorientation to time and place; or

2. substantial memory loss impairment

3. perceptual or thinking disturbances (e.g., hallucinations, delusions; or

4. change in personality; or

5. disturbance in mood; or

6. emotional liability (e.g., explosive temper outbursts, sudden crying, etc.) and impairment in impulse control; or

7. loss of measured intellectual ability of at least 15 I.Q. points from premorbid levels or overall impairment index clearly within the moderately to severely

impaired range on neuropsychological testing, e.g., the Luria-Nebraska, Halstead-Reitan, etc.; and

(b) Resulting in at least one of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintaining social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or
4. repeated episodes of deterioration or decompensation in work or work-like settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behaviors).

(3) Schizophrenic, Paranoid and Other Psychotic Disorders. Characterized by the onset of psychotic features with deterioration from a previous level of functioning.

The required level of severity for these disorders is met when the requirements in both (a) and (b) are satisfied, or when the requirement in (c) are satisfied; and they are expected to last for at least 60 days.

(a) Medically documented persistence, either continuous or intermittent, of one or more of the following:

1. delusions or hallucinations; or
2. catatonic or other grossly disorganized behavior; or
3. incoherence, loosening of associations, illogical thinking, or poverty or content of speech if associated with one of the following:

   i. blunt affect; or
   ii. flat affect; or
   iii. inappropriate affect; or

4. emotional withdrawal and/or isolation; and

(b) Resulting in at least one of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintaining social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or

4. repeated episodes of deterioration or decompensation in work or work-like settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behaviors); or

(c) Medically documented history of one or more episodes of acute symptoms, signs and functional limitations which at the time met the requirements in (a) and (b) of this listing, although these symptoms or signs are currently attenuated by medication or psychosocial support, and one of the following:

(1) repeated episodes of deterioration or decompensation in situations which cause the individual to withdraw from the situation or to experience exacerbation of signs or symptoms (which may include deterioration of adaptive behaviors); or

(2) documented current history of two or more years inability to function outside of a highly supportive living situation.

(4) Affective Disorders. Characterized by a disturbance of mood, accompanied by a full or partial manic or depressive syndrome. Mood refers to a prolonged emotion that colors the whole psychic life; generally involving either depression or elation.

The required level of severity for these disorders is met when the requirements in both (a) and (b) are satisfied; and they are expected to last at least 60 days.

(a) Medically documented persistence, either at least one of the following:

1. depressive syndrome characterized by at least three of the following:

a. anhedonia or pervasive loss of interest in almost all activities; or
b. appetite disturbance with change in weight; or
c. sleep disturbance; or
d. psychomotor agitation or retardation; or
e. decreased energy; or
f. feelings of guilt or worthlessness; or
g. difficulty concentrating or thinking; or
h. thoughts of suicide; or
i. hallucinations, delusions or paranoid thinking; or

2. Manic syndrome characterized by at least two of the following:

   a. hyperactivity; or
   b. pressure of speech; or
   c. flight of ideas; or
   d. inflated self-esteem; or
   e. decreased need for sleep; or
   f. easy distractibility; or
   g. involvement in activities that have a high probability of painful consequences which are not recognized; or
   h. hallucinations, delusions or paranoid thinking; or

3. Bipolar syndrome with a history of episodic periods manifested by the full symptomatic picture of both manic and depressive syndromes (and currently characterized by either or both syndromes); and

(b) Resulting in at least one of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintaining social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in working settings or elsewhere); or
4. repeated episodes of deterioration or decompensation in work or work-like settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behaviors).

(5) Mental Retardation and Autism. Mental retardation refers to a significantly subaverage general intellectual functioning with deficits in adaptive behavior initially manifested during the developmental period (before age 22). (Note: The scores specified below refer to those obtained on the WAIS, and are used only for reference purposes. Scores obtained on other standardized and individually administered tests are acceptable, but the numerical values obtained must indicate a similar level of intellectual functioning.) Autism is a pervasive developmental disorder characterized by social and significant communication deficits originating in the developmental period.

The required level of severity for this disorder is met when the requirements in (a), (b), (c), or (d) are satisfied.

(a) Mental incapacity evidenced by dependence upon others for personal needs e.g., toileting, eating, dressing, or bathing, an inability to follow directions, such that the use of standardized measures of intellectual functioning is precluded; or
(b) A valid verbal, performance, or full scale IQ of 59 or less;
(c) A valid verbal, performance, or full scale IQ of 60 to 69 inclusive and a physical or other mental impairment imposing additional and significant work-related limitation of function; or

(d) A valid verbal, performance, or full scale IQ of 60 to 69 inclusive or in the case of autism, gross deficits of social and communicative skills with one of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintaining social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or
4. repeated episodes of deterioration or decompensation in work or work-like settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration or adaptive behaviors).

(6) Anxiety Related Disorders. In these disorders anxiety is either the predominant disturbance or it is experienced if the individual attempts to master symptoms; for example, confronting the dreaded object or situation in a phobic disorder or resisting the obsessions or compulsions in obsessive compulsive disorders.

The required level of severity for these disorders is met when the requirements in both (a) and (b) are satisfied, or when the requirements in both (a) and (c) are satisfied; and the incapacity is expected to last at least 60 days.

(a) Medically documented findings of at least one of the following:

1. generalized persistent anxiety accompanied by two out of four of the following signs or symptoms:
   a. motor tension; or
   b. autonomic hyperactivity; or
   c. apprehensive expectation; or
   d. vigilance and scanning; or
2. a persistent irrational fear of a specific object, activity, or situation; or
3. recurrent severe panic attacks manifested by a sudden unpredictable onset of intense apprehension, fear, terror and sense of impending doom occurring on the average of at least once a week; or
4. recurrent obsessions or compulsions which are a source of marked distress; or
5. recurrent and intrusive recollections of a traumatic experience, which are a source of marked distress; and

(b) Resulting in at least one of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintain social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or

4. repeated episodes of deterioration or decompensation in work or work-liked settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behaviors); or

(c) resulting in complete inability to function independently outside the area of one's home.

(7) Psychophysiological Disorders. Physical symptoms for which there are no demonstrable organic findings or known physiological mechanisms.

The required level of severity for these disorders is met when the requirements is both (a) and (b) are satisfied; and the incapacity is expected to last for at least 60 days.

(a) Medically documented by evidence of one of the following:

1. a history of multiple physical symptoms of several years duration, beginning before age 30, that have caused the individual to take medicine frequently, see a physician often and alter life patterns significantly; or

2. persistent nonorganic disturbance of one of the following:
   i. vision; or
   ii. speech; or
   iii. hearing; or
   iv. use of a limb; or
   v. movement and its control (e.g., coordination disturbance, psychogenic seizures, akinesia, dyskinesia; or
   vi. sensation (e.g., diminished or heightened).

3. Unrealistic interpretation of physical signs or sensations associated with the preoccupation or belief that one has a serious disease or injury; and

(b) Resulting in two of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintaining social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or
4. repeated episodes of deterioration or decompensation on work or work-like settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behavior).

(8) Personality Disorders. A personality disorder exists when personality traits are inflexible and maladaptive and cause either significant impairment in social or occupational functioning or subjective distress. Characteristic features are typical of the individual's long term functioning and are not limited to discrete episodes of illness.

The required level of severity for these disorders is met when the requirements in both (a) and (b) are satisfied; and the incapacity is expected to last at least 60 days.

(a) Deeply ingrained, maladaptive patterns of behavior associated with one of the following:

1. seclusiveness or autistic thinking; or
2. pathologically in appropriate suspiciousness or hostility; or
3. oddities of thought, perception, speech and behavior; or
4. persistent disturbances of mood or affect; or
5. pathological dependence, passivity, or aggressivity; or
6. intense and unstable interpersonal relationships and impulsive and damaging behavior; and

(b) Resulting in two of the following:

1. marked restriction of activities of daily living; or
2. marked difficulties in maintaining social functioning; or
3. deficiencies of concentration, persistence or pace resulting in frequent failure to complete tasks in a timely manner (in work settings or elsewhere); or
4. repeated episodes of deterioration or decompensation in work or work-like settings which cause the individual to withdraw from that situation or to experience exacerbation of signs and symptoms (which may include deterioration of adaptive behavior).

(M) Immuno-Suppressive Disorders

(1) Indicator Diseases Diagnosed Definitively: The required level of incapacity associated with the following is met when the incapacity is expected to last for at least 60 days.

(a) Candidiasis of the esophagus, trachea, bronchi, or lungs.
(b) Coccidioidomycosis, disseminated (at a site other than or in addition to lungs or cervical or hilar lymph nodes).
(c) Cryptococcosis, extrapulmonary.
(d) Cryptosporidiosis with diarrhea persisting over one month.
(e) Cytomegalovirus disease of an organ other than liver, spleen, lymph nodes in an individual over one month of age.
(f) Genital herpes, chronic, recurrent, wide spread, resistant to therapy.
(g) Herpes simplex virus infection causing a mucocutaneous ulcer that persists longer than one month, or bronchitis, pneumonitis, or esophagitis for any duration affecting an individual over one month of age.
(h) HIV encephalopathy (also called "HIV dementia," AIDS dementia", or "subacute encephalitis due to HIV")
(i) Histoplasmosis, disseminated (at a site other than or in addition to lungs or cervical or hilar lymph nodes).
(j) Isoporiasis with diarrhea persisting over one month.
(k) Kaposi's sarcoma at any age.
(l) Leukoencephalopathy, progressive multifocal leukoencephalopathy.
(m) Lymphoma of the brain (primary) at any age.
(n) Lymphoid interstitial pneumonia and/or pulmonary lymphoid hyperplasia (LIP/PLH complex) affecting a child less than 13 years of age.
(o) Any mycobacterial disease caused by mycobacteria other than M. tuberculosis, disseminated (at a site other than or in addition to lungs, skin, or cervical or hilar lymph nodes).
(p) Pneumocystis carinii pneumonia.
(q) Pelvic inflammatory disease, chronic, recurrent, resistant to therapy.
(r) Salmonella (nontyphoid) septicemia, recurrent.
(s) Systemic toxoplasmosis.
(t) Toxoplasmosis, of the brain.

(u) One of the following with documented HIV infection:

(1) Anal squamous cell carcinoma.
(2) Invasive carcinoma of cervix, FIGO stage II or more.
(3) Nocardiosis.
(4) Non-Hodgkins lymphoma.
(5) Strongyloidiasis, extra-intestinal.

(2) Individuals should be considered to have an impairment that equals the severity of the listings with or without documented evidence of HIV infection and the following laboratory and clinical features:

(a) A T4 lymphocyte count of less than or equal to 200 cells/mm3 (or 25 percent or less T4 lymphocytes); OR

(b) One or more of the following persisting over a two-month period:

1. Anemia (Hematocrit value less than 30 percent);
2. Granulocytopenia (absolute neutrophil count less than or equal to 1000/mm3);
3. Thrombocytopenia (platelet count less than or equal to 40,000/mm3);
4. Documented fever (daily greater than or equal to 100.4°F or 38°C);
5. Undesired weight loss greater than or equal to 10 percent of baseline;
6. Oral recurrent candidiasis;
7. Oral hairy leukoplakia;
8. Recurrent herpes zoster;
9. Persistent, unresponsive diarrhea;
10. Mucosal (including vulvovaginal candidiasis other than listed in 106 CMR 320.210(M)(1)(a) or new added vulvovaginal conditions);
11. Persistent dermatological conditions such as eczema or psoriasis.
12. Persistent or recurrent radiographically documented sinusitis; AND

(c) Interference with activities of daily living resulting in marked restriction of activities of daily living such that the individual needs help with most activity including climbing stairs, shopping, cooking and housework.

(N) Neoplastic Diseases - Malignant

Intractable pain, and/or ongoing therapy side effects, disease process or treatment which has caused a disability covered elsewhere in these standards.

(0) Medically Equivalent Impairment(s) and Combinations of Impairments

(1) If an applicant or recipient has an anatomical, physiological or psychological impairment(s) that is not specifically included in the medical standards specified in 106 CMR 320.210(A) through (N) or the SSI Listing of Impairments specified in 106 CMR 320.200(A)(1)(b) but is documented by medically acceptable clinical and/or diagnostic techniques and is medically equal in severity to a medical standard or an SSI Listed Impairment, the applicant or recipient shall be considered as having an impairment that meets a medical standard or a SSI Listed Impairment for purposes of 106 CMR 320.200(A)(1). For purposes of determining if an impairment is medically equal in severity to a medical standard or an SSI Listed Impairment, the medical standard or SSI Listed Impairment that is most closely analogous to the impairment shall be used.

(2) In making the determination required by 106 CMR 320.210(0), the applicant's or recipient's description of his or her symptoms (including pain) shall be taken into consideration to the extent that:

(a) such symptoms are the result of a physical or mental impairment(s) as defined in 106 CMR 320.220 that is confirmed by acceptable clinical and/or laboratory diagnostic techniques; and

(b) such physical or mental impairment(s) could reasonably produce such symptoms.

An applicant or recipient must have a physical or mental impairment to be determined disabled. Symptoms alone are not sufficient.

(3) If a specific medical finding required to meet a medical standard specified in 106 CMR 320.210(A) through (N) or an SSI Listed Impairment specified in 106 CMR 320.200(A)(1)(b) is not indicated by the competent medical authority on the medical report but a medical finding of equal clinical significance is indicated, the latter medical finding may be substituted for the required medical finding.

(4) If an applicant or recipient has more than one impairment and none of the impairments separately are medically equivalent to a medical standard specified in 106 CMR 320.210(A) through (N) or an SSI Listed Impairment as specified in 106 CMR 320.200(A)(1)(b), the impairments shall be considered to meet a medical standard or an SSI Listed Impairment if they in combination with each other are medically equivalent to a medical standard or an SSI Listed Impairment. For purposes of determining if an impairment is medically equal in severity to a medical standard or an SSI Listed Impairment, the medical standard or SSI Listed Impairment that is most closely analogous to the combined impairments shall be used.

Attachment B: Proposed Need/Payment Standards

PROPOSED NEED/PAYMENT STANDARDS

Family Size	No Rental Allowance Exempt	No Rental Allowance Non-Exempt	Family Size	With Rental Allowance Exempt	With Rental Allowance Non-Exempt
1	$352	$343	1	$392	$383
2	446	434	2	486	474
3	539	525	3	579	565
4	628	611	4	668	651
5	720	701	5	760	741
6	814	792	6	854	832
7	906	882	7	946	922
8	997	970	8	1,037	1,010
9	1,088	1,059	9	1,128	1,099
10	1,180	1,148	10	1,220	1,188
For Each Additional Child, Add:	95	93	For Each Additional Child, Add:	95	93

Attachment C: Massachusetts Fraud Provisions

§ 5A. Repealed by St.1971, c. 943, § 1

Historical and Statutory Notes

St.1971, c. 943, § 1, repealing this section, was approved Oct. 26, 1971.

See, now, c. 7, § 30Q.

§ 5B. False representations or failure to disclose facts; penalty

Any person or institution which knowingly makes a false representation or, contrary to a legal duty to do so, knowingly fails to disclose any material fact affecting eligibility or level of benefits to the department of public welfare or its agents, for the purpose of causing any person, including the person making such representations, to be supported in whole or in part by the commonwealth, or for the purpose of procuring a payment under any assistance program administered by the department, shall be punished by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than one year.

Nothing in this section shall be construed as preventing the institution of criminal proceedings for the violation of any other law of the commonwealth.

Added by St.1969, c. 885, § 6. Amended by St.1973, c. 475; St.1982, c. 440.

Historical and Statutory Notes

St.1973, c. 475, approved June 29, 1973, in the first paragraph, substituted "person" for "persons", and deleted "or by fraudulent means obtains any such payment," preceding "shall be punished", and added the second paragraph.

St.1982, c. 440, approved Oct. 25, 1982, in the first paragraph, inserted "or, contrary to a legal duty to do so, knowingly fails to disclose any material fact affecting eligibility or level of benefits".

Library References

Social Security and Public Welfare ⟹18.
WESTLAW Topic No. 356A.

Comments.
Crimes related to payment of wages and receipt of public assistance, see M.P.S. vol. 32, Nolan and Henry, § 540.

Notes of Decisions

In general 1
Dismissal 4
Evidence 2
Trial 3

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1. In general

Fact that nursing home operators could have been prosecuted under c. 6A, § 35 specifically applicable to fraud by health care providers did not preclude their indictment under this section prohibiting making false statements to Department of Public Welfare or its agents. Com. v. Minkin (1982) 436 N.E.2d 955, 14 Mass.App. 911, review denied 438 N.E.2d 75, 386 Mass. 1104.

The commissioner of public welfare is required to take action for prosecution of persons or institutions which knowingly make a false representation to the department in violation of this section, of which he has evidence; the provisions of this section are not optional with respect to reference of any such violation. Op. Atty.Gen., Dec. 11, 1969, p. 77.

Vendors participating in any assistance program administered by department of public welfare who violate this section by knowingly making a false representation to the department must be excluded from further participation in the program for a period of three years under provision of § 5D of this chapter; such exclusion is not optional with the commissioner. Op. Atty.Gen., Dec. 11, 1969, p. 77.

2. Due process

Nursing home, as provider of health services, had a constitutionally protected property interest in right to receive payment for services rendered; however, due process did not require a hearing prior to reduction of payments for health services rendered in 1973 by amount of alleged overpayments in 1971 and preceding years; home's interest in prehearing receipt of funds was not sufficient to overcome Commissioner's interest in adopting summary procedure, which served substantial governmental purpose of preserving integrity of the public purse. Haverhill Manor, Inc. v. Commissioner of Public Welfare, (1975) 330 N.E.2d 180, 368 Mass. 15, certiorari denied 96 S.Ct. 277, 423 U.S. 929, 46 L.Ed.2d 257.

Decision of Commissioner of Public Welfare to offset alleged pre-1973 overpayments to affiliated nursing homes against payments owed sister nursing home for health services rendered in 1973 did not deny the latter due process notwithstanding want of prior hearing; nursing home raised simple claim of property deprivation which could not stand before the Commonwealth's clear interest in recovering overpayments expeditiously and nursing home had access to forums in which it would receive a constitutionally adequate hearing after, or concurrently with, implementation of the Commissioner's decision. Haverhill Manor, Inc. v. Commissioner of Public Welfare, (1975) 330 N.E.2d 180, 368 Mass. 15, certiorari denied 96 S.Ct. 277, 423 U.S. 929, 46 L.Ed.2d 257.

§ 5F. Father's leaving family to obtain assistance; penalty

A father who leaves his family for the purpose of qualifying them for assistance under any of the programs administered by the department shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than three months.

Added by St.1969, c. 885, § 6.

Library References

Social Security and Public Welfare ⟹18.
WESTLAW Topic No. 356A.

§ 5G. Claimant; subrogation

In this section, the word "claimant" shall mean any person who suffers any loss from property damage, accident, illness, injury or otherwise for which monies may be provided by liability insurance, workmen's compensation, or any other third party.

When any claimant receives payment from a liability or workmen's compensation insurer or any other third party, the claimant shall repay to the department and the division of medical assistance an amount equal to the benefits provided under any program of assistance administered by the department or the division of medical assistance to or on behalf of the claimant, the claimant's spouse or children, or any individual whom the claimant is required by law to support, but only to the extent that such benefits were provided as a result of the property damage, accident, illness, injury or other loss suffered by the claimant; and the application for and receipt of such benefits shall, after notification has been given to the third party, operate as a lien to secure repayment against monies which may be provided by liability insurance, workmen's compensation, or any other third party up to the amount of such benefits. If the monies available for such repayment are insufficient to satisfy in full any competing claims of both the department and the division of medical assistance, the department and the division each shall be entitled to its respective pro rata share of such monies as are available for such repayment.

law in such other states, during the period of change of residence between states, as provided by section four A of said chapter one hundred and eighteen.

Added by St.1967, c. 658, § 1. Amended by St.1973, c. 1210, § 13.

Historical and Statutory Notes

St.1973, c. 1210, § 13, an emergency act, approved Dec. 12, 1973, and by § 39 made effective Jan. 1, 1974, in the second sentence, deleted "or old age assistance" following "aid", "or chapter one hundred and eighteen A," preceding "or corresponding", and "and section six A of said chapter one hundred and eighteen A" following "said chapter one hundred and eighteen".

Prior Laws:

G.L. c. 121, § 9A, as added by St.1934, c. 167.
St.1945, c. 458, § 3.

Cross References

Aid to dependent children during absence of parents or children from commonwealth, see c. 118, § 4A.

§ 15. Disclosure of information by banks and insurance companies as to applicant's or recipient's deposits; penalty

A treasurer of a savings bank, national bank, trust company, co-operative bank, benefit association, insurance company or safe deposit company authorized to do business in the commonwealth who, upon written request, signed by an officer of the department, unreasonably refuses to inform him of the amount deposited in the corporation or association to the credit of a person named in such request as a charge upon the commonwealth, or as an applicant to the commonwealth for public assistance under chapters one hundred and seventeen,[1] one hundred and eighteen, or who wilfully renders false information in reply to such request, shall forfeit fifty dollars to the use of the commonwealth. Upon such request, a treasurer, as aforesaid shall furnish the records on deposits and withdrawals during the past five years, concerning any applicant for or recipient of public assistance under chapters one hundred and seventeen, one hundred and eighteen, to any officer of the department.

Added by St.1967, c. 658, § 1. Amended by St.1973, c. 1210, § 14.

[1] Chapter 117 is repealed.

Historical and Statutory Notes

St.1973, c. 1210, § 14, an emergency act, approved Dec. 12, 1973, and by § 39 made effective Jan. 1, 1974, in the first and second sentences, deleted "one hundred and eighteen A or one hundred and eighteen D" following "eighteen,".

Prior Laws:

St.1852, c. 132, §§ 1, 3.
G.S.1860, c. 57, §§ 151, 153.
St.1876, c. 203, § 25.
P.S.1882, c. 116, § 43.
St.1894, c. 317, § 48.
St.1898, c. 425, § 6.
St.1898, c. 433, § 24.
R.L.1902, c. 84, § 15.
St.1928, c. 155, § 41.
G.L.1932 (Ter.Ed.), c. 121, § 41.
St.1958, c. 179.

Library References

Obstructing Justice ⇐1.
WESTLAW Topic No. 282.
C.J.S. Obstructing Justice or Governmental Administration §§ 2 to 4, 9, 16, 17, 20, 21.

Attachment D: Massachusetts Welfare Reform Legislation
(Ch. 5 of the Acts of 1995)

H 1500

Chapter 5.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-five

AN ACT REFORMING THE WELFARE SYSTEM AND MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-FIVE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-five, the sums set forth in section two are hereby appropriated from the General Fund, for the several purposes and subject to the conditions specified in said items as appearing in chapter sixty of the acts of nineteen hundred and ninety-four, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said act, the sums so appropriated to be in addition to any amounts previously made available for said purposes.

SECTION 2.

JUDICIARY

Supreme Judicial Court

0320-0001	.....	$19,101

Appeals Court

0322-0100	.....	$39,282

Trial Court

0330-0100	.....	$961,878

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

4000-0200	.....	$14,483,963
4000-0201	.....	$3,900,000
4000-0210	.....	$1,213,143
4000-0220	.....	$3,000,000

DEPARTMENT OF PUBLIC WELFARE

4401-1000	.....	$3,933,732
4403-2000	.....	$221,330,124

SECTION 3. Section 125 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 5, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 4. Section 126 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 5. Section 16 of chapter 6A of the General Laws is hereby amended by striking out, in line 16, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 6. Section 34 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 7. Chapter 18 of the General Laws is hereby amended by striking out the caption preceding section 1, as so appearing, and inserting in place thereof the following caption:- Department of Transitional Assistance.

SECTION 8. Said section 1 of said chapter 18, as so appearing, is hereby further amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 9. Section 2 of said chapter 18, is hereby amended by striking out, in line 2, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 10. Said section 2 of said chapter 18 is hereby further amended by striking out, in lines 24, 27, 29 and 31, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 11. The last paragraph of subsection (1) of said section 2 of said chapter 18, as so appearing, is hereby amended by striking out, in line 155, the word "and",- by striking out, in line 158, the word "utilization." and inserting in place thereof the following word:- utilization;,- and by adding the following two clauses:-

(e) subject to federal approval of any necessary waivers, use of the warrant management system established pursuant to section twenty-three A of chapter two hundred and seventy-six; and, in accordance with section fifteen D of chapter twenty-two and the rules and regulations of the fraudulent claims commission, the department shall forward the name of any applicant or beneficiary

of public assistance who, according to said warrant management system, has an outstanding default warrant issued against him; and the department shall comply with existing state and federal law applicable to time standards for review and determination of eligibility, and all notice and hearing requirements afforded to applicants and beneficiaries under its public assistance programs; and

(f) the department shall not issue a check or grant any benefits of any kind to or on behalf of an applicant for or recipient of public assistance benefits against whom an outstanding default warrant has issued by any court of the commonwealth. Evidence of the outstanding default warrant appearing in said warrant management system shall be sufficient grounds for such action by the department.

SECTION 12. Section 3 of said chapter 18, as so appearing, is hereby amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 13. Section 5 of said chapter 18, as so appearing, is hereby amended by striking out, in lines 4 and 14, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 14. Said chapter 18 is hereby further amended by striking out section 5F, as so appearing, and inserting in place thereof the following section:-

Section 5F. A father who leaves his family for the purpose of qualifying them for assistance under any of the programs administered by the department shall be punished by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than three months.

SECTION 15. Section 6 of said chapter 18 is hereby amended by striking out, in line 21, as so appearing, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 16. Section 7 of said chapter 18, as so appearing, is hereby amended by striking out, in lines 30 and 31, and in lines 34 and 37, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 17. Section 11 of said chapter 18, as so appearing, is hereby amended by inserting after the word "assistance", in line 6, the following words:- ; provided, however, that nothing in this section shall be construed

to prohibit disclosure to or access by the bureau of special investigations to the department's records or files for the purposes of fraud detection and control.

SECTION 18. Section 15 of said chapter 18, as so appearing, is hereby amended by striking out, in line 10, the word "fifty" and inserting in place thereof the following words:- five hundred.

SECTION 19. Section 17 of said chapter 18, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 20. Said chapter 18 is hereby further amended by inserting after section 18 the following section:-

Section 18A. The department shall impose the sanction required by federal law for any applicant or recipient of public assistance who fails, without good cause as defined by federal law, to cooperate and to continue to cooperate with the IV-D agency set forth in chapter one hundred and nineteen A to establish paternity or to establish, modify or enforce a child support order. An applicant or recipient may contest such sanction at a hearing before the department, but shall have the burden to prove cooperation with the IV-D agency by a preponderance of the evidence.

The IV-D agency shall determine whether an applicant or recipient has cooperated, and is continuing to cooperate, with the IV-D agency. An applicant or recipient shall be deemed not to have cooperated if the applicant or recipient fails, without such good cause, to furnish a sworn statement setting forth sufficient verifiable information about the noncustodial parent or, if more than one person may be the noncustodial parent, about each such person. Such information shall include the name and the social security number of the noncustodial parent, or the name of the noncustodial parent and at least two of the following items for the noncustodial parent: date of birth; address; telephone number; name and address of employer; names of parents; and the manufacturer, model and license number of any motor vehicle owned by the noncustodial parent. An applicant or recipient who knowingly provides false information to the IV-D agency shall be subject to prosecution for perjury.

SECTION 21. Section 21 of said chapter 18, as so appearing, is hereby amended by striking out the fourth paragraph.

SECTION 22. Section 28 of said chapter 18, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 18, the words "public

welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 23. Said chapter 18 is hereby further amended by adding the following two sections:-

Section 29. (a)(1) Whenever, by virtue of an investigation by the bureau of special investigations pursuant to section fifteen D of chapter twenty-two, a person, hereinafter called an obligor, agrees to repay the commonwealth an amount of fraudulently or wrongfully received payments or services, or a court of competent jurisdiction orders that such an amount be repaid, such amount, including any accrued interest, shall be a lien in favor of the commonwealth upon all property and rights to property, whether real or personal, belonging to such obligor. The lien shall arise at the time the agreement to repay is executed by the obligor or on the date of the order or judgment of a court of competent jurisdiction and shall continue until the liability for the amount owed to the commonwealth, including any accrued interest, is satisfied or shall terminate not later than six years from the date it was created, whichever first occurs; provided that, the lien may be renewed by the commonwealth if the amount owed to the commonwealth and accrued interest is not satisfied after said six years.

(2) The lien imposed by this section shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the bureau of special investigations (A) with respect to real property or fixtures, in the registry of deeds of the county wherein such property is situated, or (B) with respect to personal property, in the office of the state secretary. The filing of a notice of any such lien or of a waiver or release of any such lien shall be received and registered or recorded without payment of any fee.

(3) Even though notice of a lien as provided in this section has been filed in the manner prescribed in subparagraph (2) of paragraph (a), such lien shall not be valid with respect to a security, as hereinafter defined, as against any mortgagee, pledgee or purchaser of such security, for an adequate and full consideration in money or money's worth if, at the time of such mortgage, pledge or purchase, such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien. As used in this subsection, the term "security" shall mean any bond, debenture, note or certificate or other evidence of indebtedness issued by a corporation, including one issued

by a governmental or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, warrant or right to subscribe to or purchase, or any of the foregoing, or any negotiable instrument or money.

(4) Where notice of a lien has been filed pursuant to subparagraph (2) of paragraph (a), the bureau of special investigations may provide, by regulation, the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by such lien may be disclosed.

(5) The bureau of special investigations may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that such lien upon the property covered by the waiver or release is extinguished.

(b)(1) The bureau of special investigations may collect such amounts of fraudulently or wrongfully received payment or services referred to in subparagraph (1) of paragraph (a) including any interest accrued thereon, and such further sums as shall be sufficient to cover the expenses of the levy, by levy upon all property or rights to property, whether real or personal, belonging to the obligor pursuant to chapters two hundred and thirty-five and two hundred and thirty-six. A levy shall extend only to property possessed and obligations existing at the time of such levy. Property specified in subsection (a) of section fifty-five A of chapter sixty-two C shall be exempt from levy hereunder. In any case in which the bureau of special investigations may levy upon property or rights to property, said bureau may seize and sell such property or rights to property, whether real or personal, tangible or intangible.

(2) Except as otherwise provided in this subsection, any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made shall, upon the demand of the bureau of special investigations, surrender such property or rights, or discharge such obligation to the bureau of special investigations, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process. A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract docu-

ment, constitute a demand by the bureau of special investigations for payment of the amount described in subparagraph (1) of paragraph (a) and the exercise of the right of the obligor to the advance of such amount. Such organization shall pay such amount within ninety days after service of such notice of levy. Such notice shall include a certification by the bureau of special investigations that a copy of such notice has been mailed to the obligor at his last known address. Such levy shall be deemed to be satisfied if such organization pays over to the bureau of special investigations the amount the obligor could have had advanced to him by such organization on the date prescribed herein for the satisfaction of such levy, increased by the amount of any advance, including contractual interest thereon, made to such person on or after the date such organization had notice or actual knowledge.

(3) Whenever any property or right to property upon which levy has been made is not sufficient to satisfy the claim of the commonwealth for which levy is made, the bureau of special investigations may, thereafter, and as often as may be necessary, proceed to levy pursuant to chapters two hundred and thirty-five and two hundred and thirty-six in like manner upon any other property liable to levy of the obligor against whom such claim exists until the amount due from the obligor, together with all expenses, is fully paid.

(4) Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the bureau of special investigations, shall be liable in his own person and estate to the commonwealth in a sum equal to the value of the property or rights not so surrendered but not exceeding the amount due under subparagraph (1) of paragraph (a) for which such levy has been made, together with the costs and interests on such sum at the rate of eight percent per annum from the date of such levy. Any amount, other than costs, recovered under this paragraph shall be credited against the liability for the amount due under said subparagraph (1) of said paragraph (a) for the collection of which such levy was made. In addition, if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property, without reasonable cause, such person shall be liable for a civil penalty equal to twenty-five percent of the amount recoverable. No part of such civil penalty shall be credited against the liability for the amount due under said subparagraph (1) of said paragraph (a) for the collection of which such levy was made.

(5) Any person in possession of, or obligated with respect to, property

or rights to property subject to levy upon which a levy has been made who, upon demand by the bureau of special investigations, surrenders such property or rights to property or discharges such obligation to the bureau of special investigations or who pays a liability under subparagraph (2), shall be discharged from any obligation or liability to the obligor with respect to such property or rights to property arising from such surrender or payment.

(c) In any case where there has been a refusal or neglect to pay any amount due under this section, or to discharge any liability in respect thereof, whether or not levy has been made, the attorney general on behalf of the bureau of special investigations, in addition to other modes of relief, may file a civil action in the superior court department of the trial court to enforce the lien under this section or to subject any property, of whatever nature, of the obligor or in which the obligor has any right, title or interest, to the payment of any amounts due under this section.

(d) At the time of any lien, or levy or seizure of any property or rights to property, real or personal, belonging to the obligor, the bureau of special investigations shall send a written notice to the obligor of the action taken which shall specify the amount due and the steps to be followed to release the property so levied, seized or placed under lien.

(e) A notice given pursuant to this section shall be sufficient if sent by first class mail to the obligor's last known address as appearing in the records of the bureau of special investigations.

Section 30. (a) This section shall apply to the collection of overpayments of financial assistance paid by the department to persons receiving benefits under any program of such assistance administered by the department. An overpayment obligation is one established by a judgment or order of a court, by an administrative hearing decision of the department, or by voluntary agreement.

Whenever this section provides for a hearing, said hearing shall mean a proceeding before the court in which the overpayment obligation was established unless the overpayment obligation was established by the division of hearings established under section sixteen of this chapter or by voluntary agreement, in which case the hearing shall be before said division.

The amount of an overpayment obligation, once established, shall not be the subject of any subsequent hearing.

Any judgment or order of court requiring repayment to the department of

financial assistance, any overpayment obligation established by the administrative hearing, and any voluntary agreement to repay such overpayment shall include an assignment to the department of a portion of the obligor's salaries, wages, earnings, or other periodic income, in an aggregate amount sufficient to comply with the judgment, order, decision or agreement as limited by section thirty-four of chapter two hundred and thirty-five.

In establishing the periodic amount of an assignment, except those determined by voluntary agreement, a court or hearing officer shall consider the following factors in determining the amount of the assignment: the amount of assistance to be reimbursed, the income and reasonable expenses of the obligor, and other factors found by the court or hearing officer to be relevant to the obligor's ability to repay the overpayment of financial assistance.

Nothing in this section shall affect the availability of any other method for collecting repayment of financial assistance received.

(b) At the time of the assignment, the obligor shall inform the department of the name and address of his employer, and shall notify the employer of the existence of the assignment. The department shall then notify the employer whether the assignment is in effect under subsection (c). When the obligor changes employers, the obligor shall notify the department, within three days after beginning the new employment, and shall notify the employer of the assignment. The department shall then transfer the assignment to the subsequent employer.

If an assignment is in effect under said subsection (c), but cannot be implemented because the obligor has no employer, the obligor shall notify the department of any employment as soon as it is obtained, and the department shall transfer the assignment to such employer.

If the obligor is self-employed, the assignment shall be ordered in compliance with said subsection (c).

(c) Such assignment shall take effect immediately when the obligor is found in violation or contempt of an order, judgment, hearing decision or agreement. Such assignment shall also take effect immediately in all other cases, unless the court or the department finds good cause exists to order that the assignment be suspended and makes written findings in support of suspension. If the department suspends such assignment, the department shall inform the obligor that under the provisions of subsection (d), such assignment, even if suspended, will take effect without further hearing if an arrearage

accrues as described in subparagraph (1) or (2).

In the event that an assignment is suspended in the first instance, it shall take effect:

(1) when a total arrearage equaling the amount owed for a sixty-day period has accrued; or

(2) in cases where payment is to be made once per month, thirty days after the payment is missed; or,

(3) at the request of the obligor at any time prior to the accrual of an arrearage described in subparagraph (1) or (2).

Assignments pursuant to this section shall terminate when the underlying obligation terminates and all arrears are paid.

(d) When the department determines that an arrearage has accrued it shall immediately send the notice of assignment to the obligor's employer and shall send a notice to the obligor.

The notice of assignment sent to an employer shall contain notice of subparagraphs (1) to (5), inclusive, of this subsection, and shall also state the amount of income to be withheld.

(1) The assignment shall begin on the first payment of income that occurs more than three days after an employer receives notice of the assignment and shall continue until the obligor ceases employment or the employer is notified by the department that the assignment should be terminated.

(2) An employer shall send the amount required by the assignment to the department within three days after the day the obligor is paid.

(3) An employer may deduct from said earnings a sum not exceeding one dollar per pay period per obligor as reimbursement for costs incurred in processing any assignment, and may submit to the department a single check covering all employees whose income is assigned along with a statement enumerating each employee's obligation and amount paid.

(4) If any employer fails to comply with an order of income assignment executed pursuant to this section the court may summon the employer to appear in court and show cause why the employer should not be held in civil contempt for failure to obey said order. Said employer shall also be liable to the department in a civil action, action for contempt, or other appropriate proceeding for the full amount of the income assigned and a civil penalty of five hundred dollars.

(5) If the obligor ceases employment, the employer shall notify the de-

partment of the employee's departure and any subsequent employer, if known, prior to the time that the next payment to the department is due. Any subsequent employer of the obligor shall, upon notice of an income assignment, comply with the provisions of this section.

(e)(1) If the obligor requests a hearing to challenge the revocation of the suspension of an assignment, a hearing shall be held within fifteen days from receipt of the request. If at the hearing the obligor establishes that no arrearage satisfying the requirements of subparagraph (1) or (2) of subsection (c) existed at the time notice was given or at any time thereafter, or that the obligor is not the person owing such arrearage, the court or hearing officer may order that such assignment be suspended until such an arrearage does accrue. A suspension shall not be ordered upon any other grounds, including the fact that an arrearage satisfying said subparagraph (1) or (2) of subsection (c) does not exist at the time of the hearing if such an arrearage existed at the time when the notice was mailed or any time thereafter.

If the court or hearing officer orders that the assignment be suspended, the department shall promptly notify the employer.

(2) The obligor may also request a hearing, under the same procedure and with the same notice, if the obligor contends that the total arrears owing is incorrect. If the court or hearing officer determines at the hearing that the total amount of arrears calculated is erroneous, the amount calculated shall be adjusted to correct the amount.

(f) Each obligor making payments to the department under this section shall be sent a notice describing: the obligor's duty to report changes in address or employment under subsection (b), the suspended income assignment under subsection (c), the obligor's right to a hearing under subsection (e), and the obligor's right to access to the information compiled on this case at the time when the obligation was established, and once each year thereafter.

SECTION 24. The first paragraph of section 15D of chapter 22 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out clause (5) and inserting in place thereof the following three clauses:-

(5) Examine any information contained on the warrant management system established by section twenty-three A of chapter two hundred and seventy-six, and receive information from the department of transitional assistance in accordance with clause (e) of the last paragraph of subsection (D) of section

two of chapter eighteen;

(5A) Report to the attorney general, a district attorney, the department of state police, or any of their agents, each case referred to the bureau of special investigations by the department of transitional assistance pursuant to said clause (e), and arrange for a proper place and time for appropriate arrest of any applicant or beneficiary, and refer any dependent of said applicant or beneficiary to the department of social services for appropriate action pursuant to chapter eighteen B and section twenty-three A of chapter one hundred and nineteen; provided, however, that said bureau shall not so report any information other than the information referred to in this clause or on the warrant management system;

(5B) Report to the attorney general or a district attorney, for such action as they may deem proper, any case in which, after investigation, he finds there is probable cause that a fraudulent claim or payment has been made;.

SECTION 25. Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the word "training", in line 5, the following words:- , the department of transitional assistance.

SECTION 26. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by inserting after the word "training", in line 17, the following words:- ; unpaid amounts owed the department of transitional assistance by recipients, or former recipients, of public assistance.

SECTION 27. The definition of "Debtor" in said section 1 of said chapter 62D, as so appearing, is hereby amended by inserting after the word "training", in lines 24 and 25, the following words:- , any individual owing money to the department of transitional assistance for overpayments of public assistance.

SECTION 28. Section 3 of said chapter 62D, as so appearing, is hereby amended by striking out, in lines 15 and 16, and in line 20, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 29. Section 10 of said chapter 62D, as so appearing, is hereby amended by striking out, in line 8, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 30. Section 13 of said chapter 62D is hereby amended by striking out clauses (v) and (vi), inserted by section 11 of chapter 315 of the acts of 1994, and inserting in place thereof the following three clauses:- (v) the

higher education coordinating council; (vi) other debts as defined in section one in the order certified by the comptroller; and (vii) the department of transitional assistance.

SECTION 31. Section 5 of chapter 62E of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 29 and 30, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 32. Section 17A of chapter 66 of the General Laws, is hereby amended by striking out, in line 1, and in lines 14 and 15, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance,- and by striking out, in line 22, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 33. Said section 17A of said chapter 66, as so appearing, is hereby further amended by inserting after the word "agent", in line 27, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the department's records or files for the purposes of fraud detection and control.

SECTION 34. Section 2 of chapter 66A of the General Laws, as so appearing, is hereby amended by inserting after the word "fee", in line 30, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the records or files of the department of transitional assistance for the purposes of fraud detection and control.

SECTION 35. Section 12B of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 36. Section 7 of chapter 76 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The names and addresses of foster children enrolled in a school system and the designation of a student as a foster child or ward of the commonwealth shall be confidential and shall not be disclosed by any employee of the commonwealth or of any political subdivision thereof, except for the purpose of reporting to the commissioner of education pursuant to this section.

SECTION 37. Section 52A of chapter 93 of the General Laws, as so appear-

ing, is hereby amended by striking out, in line 9, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 38. Section 69F of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 39. Section 69G of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 40. Section 69I of said chapter 111, as so appearing, is hereby amended by striking out, in line 16, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 41. Section 1 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 42. Section 4B of said chapter 118, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 43. Section 1 of chapter 118A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 44. Section 3 of said chapter 118A, as so appearing, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 45. Section 2 of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 46. Section 4 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 23, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 47. Section 4B of said chapter 118E, as so appearing, is hereby amended by striking out, in line 47, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 48. Section 7 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 16, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 49. Section 22 of said chapter 118E, as so appearing, is hereby

amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 50. Section 27 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 6, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 51. Section 14 of chapter 118F of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 52. Section 14A of said chapter 118F, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 53. Section 15 of said chapter 118F, as so appearing, is hereby amended by striking out, in lines 61 and 62, lines 63, 65, 71, and in line 74, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 54. Section 17A of said chapter 118F is hereby amended by striking out, in line 57, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 55. Section 28 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 25, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 56. Section 2 of chapter 119A of the General Laws is hereby amended by striking out, in lines 14 and 20, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 57. Said section 2 of said chapter 119A is hereby further amended by striking out, in lines 27 to 29, inclusive, as so appearing, the words "child support guidelines, if any, established by the chief administrative justice of the trial court" and inserting in place thereof the following words:- the child support guidelines established by the chief justice for administration and management of the trial court.

SECTION 58. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking out, in lines 40 and 41, the words "under chapter two hundred and seventy-three A" and inserting in place thereof the following words:- or register an order under chapter two hundred and nine D.

SECTION 59. Section 4 of said chapter 119A, as so appearing, is hereby

amended by striking out, in lines 10 and 17, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 60. Section 5 of said chapter 119A is hereby amended by striking out, in lines 12, 20, 22 and 32, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 61. The second paragraph of said section 5 of said chapter 119A, inserted by section 28 of chapter 460 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Thereafter the IV-D agency may, in accordance with regulations promulgated under this chapter, transfer the undisbursed payments to the department of transitional assistance to reimburse the commonwealth for arrears due for any period that public assistance was provided to the obligee or may return to the obligor any payments received by it that cannot be disbursed to the obligee because such obligee's whereabouts are unknown.

SECTION 62. Section 6 of said chapter 119A is hereby amended by inserting after the word "nine", in line 18, the following word:- or,- and by striking out, in lines 18 and 19, as so appearing, the words "two hundred and seventy-three A" and inserting in place thereof the following words:- received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 63. Said chapter 119A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. (a) If the IV-D agency is providing services to an obligee or to an obligor, it may enforce an income assignment by sending notice of the assignment to the child support enforcement agency of the jurisdiction in which the obligor derives income, or directly to the obligor's employer or other source of income in that jurisdiction. The notice may be transmitted by any method including, but not limited to, paper, facsimile, magnetic tape or other electronic means. The notice shall be accompanied by a certification by the IV-D agency that the information contained in the notice accurately reflects its records.

(b) Upon receiving notice of a subsequent modification, the IV-D agency shall send notice of the order as modified to the child support enforcement agency of the jurisdiction in which the obligor derives income, or to the

obligor's employer or other source of income.

SECTION 64. Said chapter 119A is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. A child support enforcement agency in a jurisdiction outside the commonwealth may request the IV-D agency to enforce a child support order issued by a court or administrative agency in another jurisdiction, or a lien arising under the law of another jurisdiction. The order or lien shall be accorded full faith and credit and the order or lien shall be enforced as if the order was issued or the lien arose in the commonwealth, without the necessity of registering the order with the court.

SECTION 65. Section 12 of said chapter 119A is hereby amended by striking out, in line 4, as so appearing, the words "and two hundred and seventy-three A" and inserting in place thereof the following words:- or received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 66. Subsection (a) of said section 12 of said chapter 119A is hereby further amended by adding the following sentence:- For the purposes of this chapter, employer shall mean any source of periodic income paid to the obligor.

SECTION 67. Said section 12 of said chapter 119A is hereby amended by striking out, in line 29, as appearing in the 1992 Official Edition, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 68. Subsection (d) of section 13 of said chapter 119A, as appearing in section 53 of chapter 460 of the acts of 1993, is hereby amended by striking out the words "and two hundred and seventy-three A" and inserting in place thereof the following words:- and two hundred and seventy-nine D.

SECTION 69. Section 10 of chapter 120 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 25 and 26, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 70. Section 12 of said chapter 120, as so appearing, is hereby amended by striking out, in line 28, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 71. Section 11 of chapter 122 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "public welfare"

and inserting in place thereof the following words:- transitional assistance.

SECTION 72. Section 12 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 73. Section 13 of said chapter 122, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 74. Section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 75. Section 46A of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18, 22, 28, and 33, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 76. The second paragraph of said section 46A of said chapter 152, as amended by section 22 of chapter 161 of the acts of 1993, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- When a lump sum settlement is proposed and the employee and the lienholder are unable to agree on a fair and reasonable amount to discharge a lien against the lump sum settlement under the provisions of this section the reviewing board shall have the right to determine the fair and reasonable amount to be paid out of the lump sum settlement to discharge the lien; provided, however, that if the amount of the award or lump sum is insufficient to satisfy in full any competing claims of both the department of transitional assistance and the division of medical assistance, the department and the division each shall be entitled to its respective pro rata share of such award or lump sum.

SECTION 77. Section 47 of said chapter 152 is hereby amended by striking out the words "or two hundred and seventy-three A", inserted by section 55 of chapter 460 of the acts of 1993, and inserting in place thereof the following words:- or two hundred and seventy-nine D.

SECTION 78. Subsection (a) of section 32F of chapter 209 of the General Laws, as amended by section 65 of said chapter 460, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The court shall have jurisdiction to order a sum to be paid periodically for the current support of a child or of a spouse and child or of

a spouse and shall have jurisdiction to order a spouse or parent to reimburse the other spouse or the IV-D agency on behalf of the department of transitional assistance or the department of social services for past support including medical expenses, provided to his spouse or child, notwithstanding the fact that at the time of the hearing the parties are no longer receiving public assistance.

SECTION 79. Said subsection (a) of said section 32F of said chapter 209, as amended by said section 65 of said chapter 460, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- When the action is commenced on behalf of such department of transitional assistance or said department of social services or anyone other than the spouse or parent of a child entitled to receive support, the court shall ensure that such spouse and all parties are notified of the action and of any motions for temporary orders for support.

SECTION 80. Said section 32F of said chapter 209 of the General Laws is hereby amended by adding the following subsection:-

(h) Any action pursuant to this chapter that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court:- (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any. Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses as an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of

the district or Boston municipal court departments.

SECTION 81. The fifth paragraph of section 7 of chapter 209A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentences:- If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.

SECTION 82. Subsection (a) of section 9 of chapter 209C of the General Laws is hereby amended by striking out the last sentence, as amended by section 73 of chapter 460 of the acts of 1993, and inserting in place thereof the following sentence:- An order may be entered requiring a parent chargeable with support to reimburse the mother or the department of transitional assistance for medical expenses attributable to the child or associated with childbirth or resulting from the pregnancy.

SECTION 83. Subsection (b) of said section 9 of said chapter 209C, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 84. Subsection (e) of said section 9 of said chapter 209C, as so appearing, is hereby amended by striking out, in line 56, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 85. Section 19 of chapter 209C of the General Laws, as so appearing, is hereby amended by inserting after the word "eight,", in line 15, the following word:- and,- striking out, in lines 15 and 16, the words ", and two hundred and seventy-three A" and inserting in place thereof the following words:- or received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 86. Subsection (b) of section 22 of said chapter 209C, as so appearing, is hereby amended by striking out, in lines 6 and 10, the word "seventy-three A" and inserting in place thereof, in each instance, the fol-

lowing word:- nine D.

SECTION 87. The General Laws are hereby further amended by inserting after chapter 209C the following chapter:-

CHAPTER 209D.

UNIFORM INTERSTATE FAMILY SUPPORT ACT.

ARTICLE 1. GENERAL PROVISIONS.

Section 1-101. Definitions. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the commonwealth.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer, other source of periodic income, as defined by section twelve of chapter one hundred and nineteen A, or other debtor to withhold support from the income of the obligor.

(7) "Initiating state" means a state in which a proceeding under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support

order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

(i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(iii) an individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

(i) who owes or is alleged to owe a duty of support;

(ii) who is alleged but has not been adjudicated to be a parent of a child; or

(iii) who is liable under a support order.

(14) "Register" means to file a support order or judgment determining parentage in a tribunal.

(15) "Registering tribunal" means a tribunal in which a support order is registered.

(16) "Responding state" means a state to which a proceeding is forwarded under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(17) "Responding tribunal" means the authorized tribunal in a responding state.

(18) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(19) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders which are substantially

similar to the procedures under this chapter.

(20) "Support enforcement agency" means a public official or agency authorized to seek:

(i) enforcement of support orders or laws relating to the duty of support;

(ii) establishment or modification of child support;

(iii) determination of parentage; or

(iv) to locate obligors or their assets.

(21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Section 1-102. Tribunals of the commonwealth. The probate and family court, the district court and the Boston municipal court departments of the trial court shall be the tribunals of the commonwealth.

Section 1-103. Remedies cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2. JURISDICTION

PART A. EXTENDED PERSONAL JURISDICTION

Section 2-201. Bases for jurisdiction over nonresident. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of the commonwealth may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator pursuant to the provisions of chapter two hundred and twenty-three A or under this section. Personal jurisdiction may be exercised under this chapter if:

(1) the individual is personally served with a notice within the commonwealth;

(2) the individual submits to the jurisdiction of the commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in the commonwealth;

(4) the individual resided in the commonwealth and provided prenatal ex-

penses or support for the child;

(5) the child resides in the commonwealth as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in the commonwealth and the child may have been conceived by that act of intercourse;

(7) the individual asserted parentage under the provisions of chapter forty-six or chapter two hundred and nine C; or

(8) there is any other basis consistent with the constitutions of the commonwealth and the United States for the exercise of personal jurisdiction.

Section 2-202. Procedure when exercising jurisdiction over nonresident. A tribunal of the commonwealth exercising personal jurisdiction over a nonresident under Section 2-201 may apply Section 3-316 (Special Rules of Evidence and Procedure) to receive evidence from another state, and Section 3-318 (Assistance with Discovery) to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the commonwealth, including the rules on choice of law other than those established by this chapter.

PART B. PROCEEDINGS INVOLVING TWO OR MORE STATES

Section 2-203. Initiating and responding tribunal of the commonwealth. Under this chapter, a tribunal of the commonwealth may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Section 2-204. Simultaneous proceedings in another state.

(a) A tribunal of the commonwealth may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

(1) the petition or comparable pleading in the commonwealth is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) if relevant, the commonwealth is the home state of the child.

(b) A tribunal of the commonwealth may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in the commonwealth for filing a responsive pleading challenging the exercise of jurisdiction by the commonwealth;

(2) the contesting party timely challenges the exercise of jurisdiction in the commonwealth; and

(3) if relevant, the other state is the home state of the child.

Section 2-205. Continuing, exclusive jurisdiction.

(a) A tribunal of the commonwealth issuing a support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction over a child support order:

(1) as long as the commonwealth remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of the commonwealth for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of the commonwealth issuing a child support order consistent with the law of the commonwealth may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this chapter.

(c) If a child support order of the commonwealth is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of the commonwealth loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in the commonwealth, and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of the commonwealth shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this chapter.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in

the issuing tribunal.

(f) A tribunal of the commonwealth issuing a support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of the commonwealth may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Section 2-206. Enforcement and modification of support order by tribunal having continuing jurisdiction.

(a) A tribunal of the commonwealth may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of the commonwealth having continuing, exclusive jurisdiction over a support order may act as a responding tribunal under this chapter to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 3-316 (Special Rules of Evidence and Procedure) to receive evidence from another state and Section 3-318 (Assistance with Discovery) to obtain discovery through a tribunal of another state.

(c) A tribunal of the commonwealth which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

PART C. RECONCILIATION WITH ORDERS OF OTHER STATES.

Section 2-207. Recognition of child support orders.

(a) If a proceeding is brought under this chapter, and one or more child support orders have been issued in the commonwealth or another state with regard to an obligor and a child, a tribunal of the commonwealth shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

(2) If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized.

(3) If two or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of the commonwealth may issue a child support order, which must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

(c) Any action pursuant to former chapter two hundred and seventy-three A that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court:- (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any. Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Upon transfer, the provisions of this chapter shall apply. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.

Section 2-208. Multiple child support orders for two or more obligees. In responding to multiple registrations or petitions for enforcement of two or

more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of the commonwealth shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of the commonwealth.

Section 2-209. Credit for payments. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of the commonwealth.

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

Section 3-301. Proceedings under this chapter.

(a) Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

(b) This chapter provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Article 4;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6;

(4) modification of an order for child support or spousal support issued by a tribunal of the commonwealth pursuant to Article 2, Part B;

(5) registration of an order for child support of another state for modification pursuant to Article 6;

(6) determination of parentage pursuant to Article 7; and

(7) assertion of jurisdiction over nonresidents pursuant to Article 2, Part A.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

Section 3-302. Action by minor parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Section 3-303. Application of law of the commonwealth. Except as other-

wise provided by this chapter, a responding tribunal of the commonwealth:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in the commonwealth and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of the commonwealth.

Section 3-304. Duties of initiating tribunal. Upon the filing of a petition authorized by this chapter, an initiating tribunal of the commonwealth shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

Section 3-305. Duties and powers of responding tribunal.

(a) When a responding tribunal of the commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to Section 3-301(c) (Proceedings Under this Chapter), it shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.

(b) A responding tribunal of the commonwealth, to the extent otherwise authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a capias or a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias or the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of the commonwealth shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of the commonwealth may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of the commonwealth issues an order under this chapter, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

Section 3-306. Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of the commonwealth, it shall forward the pleading and accompanying documents to an appropriate tribunal in the commonwealth or another state and notify the petitioner by first class mail where and when the pleading was sent.

Section 3-307. Duties of support enforcement agency.

(a) A support enforcement agency of the commonwealth, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in the commonwealth or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first class mail to the pe-

titioner;

(5) within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by an agency.

Section 3-308. Duty of attorney general. If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

Section 3-309. Private counsel. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

Section 3-310. Duties of state information agency.

(a) The commonwealth shall establish a state information agency under this chapter.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in the commonwealth which have jurisdiction under this chapter and any support enforcement agencies in the commonwealth and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in the commonwealth in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within the commonwealth not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employ-

ers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Section 3-311. Pleadings and accompanying documents.

(a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under Section 3-312 (Nondisclosure of Information in Exceptional Circumstances), the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Section 3-312. Nondisclosure of information in exceptional circumstances. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

Section 3-313. Costs and fees.

(a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce

the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6 (Enforcement and Modification of Support Order After Registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Section 3-314. Limited immunity of petitioner.

(a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in the commonwealth to participate in a proceeding under this chapter.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in the commonwealth to participate in the proceeding.

Section 3-315. Nonparentage as defense. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

Section 3-316. Special rules of evidence and procedure.

(a) The physical presence of the petitioner in a responding tribunal of the commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and

postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of the commonwealth by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this chapter, a tribunal of the commonwealth may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of the commonwealth shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

Section 3-317. Communications between tribunals. A tribunal of the commonwealth may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of the commonwealth may furnish similar information by similar means to a tribunal of another state.

Section 3-318. Assistance with discovery. A tribunal of the commonwealth may:

(1) request a tribunal of another state to assist in obtaining discovery; and

(2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Section 3-319. Receipt and disbursement of payments. A support enforcement agency or tribunal of the commonwealth shall disburse promptly any

amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

Section 4-401. Petition to establish support order.

(a) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of the commonwealth may issue a support order if:

(1) the individual seeking the order resides in another state; or

(2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if:

(1) the respondent has signed a verified statement acknowledging parentage;

(2) the respondent has been determined by or pursuant to law to be the parent; or

(3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 3-305 (Duties and Powers of Responding Tribunal).

ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION.

Section 5-501. Recognition of income-withholding order of another state.

(a) An income-withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under section twelve of chapter one hundred and nineteen A without first filing a petition or comparable pleading or registering the order with a tribunal of the commonwealth. Upon receipt of the order, the employer shall:

(1) treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of the commonwealth;

(2) immediately provide a copy of the order to the obligor; and

(3) distribute the funds as directed in the withholding order.

(b) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of the commonwealth. Section 6-604 (Choice of Law) applies to the contest. The obligor shall give notice of the contest to any child support enforcement agency providing services to the obligee and to:

(1) the person or agency designated to receive payments in the income-withholding order; or

(2) if no person or agency is designated, the obligee.

Section 5-502. Administrative enforcement of orders.

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of the commonwealth.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of the commonwealth to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION.

PART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

Section 6-601. Registration of order for enforcement. A support order or an income-withholding order issued by a tribunal of another state may be registered in the commonwealth for enforcement.

Section 6-602. Procedure to register order for enforcement.

(a) A support order or income-withholding order of another state may be registered in the commonwealth by sending the following documents and information to the appropriate tribunal in the commonwealth:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified

statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in the commonwealth not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of the commonwealth may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

Section 6-603. Effect of registration for enforcement.

(a) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of the commonwealth.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of the commonwealth.

(c) Except as otherwise provided in this article, a tribunal of the commonwealth shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Section 6-604. Choice of law.

(a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of the commonwealth or of the issuing state, whichever is longer, applies.

PART B. CONTEST OF VALIDITY OR ENFORCEMENT.

Section 6-605. Notice of registration of order.

(a) When a support order or income-withholding order issued in another

state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified, or registered mail or by any means of personal service authorized by the law of the commonwealth. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of the commonwealth;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to section twelve of chapter one hundred and nineteen A.

Section 6-606. Procedure to contest validity or enforcement of registered order.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in the commonwealth shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 6-607 (Contest of Registration or Enforcement).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time, and place of the hearing.

Section 6-607. Contest of registration or enforcement.

(a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of the commonwealth to the remedy sought;

(6) full or partial payment has been made; or

(7) the statute of limitation under Section 6-604 (Choice of Law) precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of the commonwealth.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Section 6-608. Confirmed order. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

Section 6-609. Procedure to register child support order of another state for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in the commonwealth in the same manner provided in Part A of this article if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Section 6-610. Effect of registration for modification. A tribunal of the commonwealth may enforce a child support order of another state registered

for purposes of modification, in the same manner as if the order had been issued by a tribunal of the commonwealth, but the registered order may be modified only if the requirements of Section 6-611 (Modification of Order of Another State) have been met.

Section 6-611. Modification of child support order of another state.

(a) After a child support order issued in another state has been registered in the commonwealth, the responding tribunal of the commonwealth may modify that order only if, after notice and hearing, it finds that:

(1) the following requirements are met:

(i) the child, the individual obligee, and the obligor do not reside in the issuing state;

(ii) a petitioner who is a nonresident of the commonwealth seeks modification; and

(iii) the respondent is subject to the personal jurisdiction of the tribunal of the commonwealth; or

(2) an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of the commonwealth may modify the support order and assume continuing, exclusive jurisdiction over the order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of the commonwealth and the order may be enforced and satisfied in the same manner.

(c) A tribunal of the commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of the commonwealth becomes the tribunal of continuing, exclusive jurisdiction.

(e) Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

Section 6-612. Recognition of order modified in another state. A tribunal of the commonwealth shall recognize a modification of its earlier child

support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

(1) enforce the order that was modified only as to amounts accruing before the modification;

(2) enforce only nonmodifiable aspects of that order;

(3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and

(4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

ARTICLE 7. DETERMINATION OF PARENTAGE.

Section 7-701. Proceeding to determine parentage.

(a) A tribunal of the commonwealth may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of the commonwealth shall apply the procedural and substantive law of the commonwealth and the rules of the commonwealth on choice of law.

ARTICLE 8. INTERSTATE RENDITION

Section 8-801. Grounds for rendition.

(a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(b) The governor of the commonwealth may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in the commonwealth with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state, surrender an individual found in the commonwealth who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed

and has not fled therefrom.

Section 8-802. Conditions of rendition.

(a) Before making demand that the governor of another state surrender an individual charged criminally in the commonwealth with having failed to provide for the support of an obligee, the governor of the commonwealth may require a prosecutor of the commonwealth to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

(b) If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of the commonwealth surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the person whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9. MISCELLANEOUS PROVISIONS.

Section 9-901. Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Section 9-902. Short title. This chapter may be cited as the Uniform Interstate Family Support Act.

SECTION 88. Section 4 of chapter 215 of the General Laws is hereby amended by striking out the words "chapter two hundred and seventy-three A", inserted by section 85 of chapter 460 of the acts of 1993, and inserting in place thereof the following word:- two hundred and seventy-nine D.

SECTION 89. Section 19 of chapter 218 of the General Laws, as appearing

in the 1992 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The Boston municipal and district court departments shall have original jurisdiction concurrent with the probate and family court department of proceedings under chapter two hundred and nine D.

SECTION 90. Section 26 of said chapter 218 is hereby amended by inserting after the word "sixty-six", in line 17, as so appearing, the following words:- , and sections one, fifteen and fifteen A of chapter two hundred and seventy-three.

SECTION 91. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 92. Section 4 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 to 9, inclusive, the words "and complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A" and inserting in place thereof the following words:- complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, or two hundred and nine C, petitions pursuant to chapter two hundred and nine D.

SECTION 93. Section 7 of said chapter 221B, as so appearing, is hereby amended by striking out, in line 8, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 94. Section 20 of chapter 233 of the General Laws, as so appearing, is amended by striking, in line 7, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 95. Section 43 of chapter 271 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5, 14, and 19 the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 96. Section 98B of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 97. Section 1 of chapter 273 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "and", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 98. Said section 1 of said chapter 273 is hereby further amended by striking out, in lines 15 to 17, as so appearing, the words ", two hundred and seventy-three or two hundred and seventy-three A or" and inserting in place thereof the following words:- or two hundred and seventy-three, or received, entered or registered pursuant to chapter two hundred and nine D, or entered.

SECTION 99. Section 15 of said chapter 273 is hereby amended by striking out, in line 8, as so appearing, the word "and", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 100. Said first paragraph of said section 15 of said chapter 273 is hereby further amended by striking out the words ", two hundred and seventy-three or two hundred and seventy-three A or" and inserting in place thereof the following words:- or two hundred and seventy-three, or received, entered or registered pursuant to chapter two hundred and nine D, or entered.

SECTION 101. Section 15A of said chapter 273, as so appearing, is hereby amended by inserting after the word "imprisonment", in line 2, the following words:- or by both fine and imprisonment.

SECTION 102. Said section 15A of said chapter 273 is hereby further amended by striking out, in line 9, as so appearing, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 103. Subsection (2) of said section 15A of said chapter 273 is hereby further amended by striking out the words "shall be penalized by a fine not to exceed five thousand dollars or five years imprisonment in a state prison, or both" and inserting in place thereof the following words:- shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

SECTION 104. Subsection (3) of said section 15A of said chapter 273, as amended by section 94 of chapter 460 of the acts of 1993, is hereby further amended be striking out the words "shall be penalized by a fine not to exceed ten thousand dollars or ten years imprisonment in a state prison, or both" and inserting in place thereof the following words:- shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine of not more than ten thousand dollars, or by both such fine and im-

prisonment.

SECTION 105. Chapter two hundred and seventy-three A of the General Laws is hereby repealed.

SECTION 106. Item 4000-0200 in section 2 of chapter 60 of the acts of 1994 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For voucher and contracted day care programs; provided, that the MASSJOBS day care program shall be available for recipients of benefits provided under the program of aid to families with dependent children and the absent parents of said recipients; provided further, that the day care program shall be available to participants within up to one year of termination of their aid to families with dependent children benefits due to employment; provided further, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund; provided further, that day care slots shall be distributed geographically in a manner which provides fair and adequate access to day care for all eligible individuals; provided further, that four hundred and ninety-five thousand dollars shall be expended to provide one hundred slots for the provision of day care by the department of public welfare for children who are recipients of benefits provided under the aid to families with dependent children and who are in the custody and care of grandparents due to the incapacity or absence of the parents; provided further, that all day care providers that are part of a public school system shall be required to accept from recipients day care vouchers provided through these appropriations; provided further, that the department is hereby authorized to provide day care benefits to parents currently enrolled in a job training program who are under the age of eighteen and who would qualify for benefits under the provisions of chapter one hundred and eighteen of the General Laws but for the deeming of the grandparents' income; provided further, that not more than four million sixty-six thousand five hundred and forty-four dollars shall be expended for MASSJOBS contracted day care; provided further, that not more than thirty-seven million five hundred and seventy-eight thousand eight hundred and sixty-five dollars shall be expended for MASSJOBS voucher day care; provided further, that not more than three million six hundred thousand dollars shall be expended for the operating expenses of the MASSJOBS voucher management system; provided further, that two hundred thousand dollars shall be expended for the provision of operating sup-

port for community-based child care resource and referral programs that provide direct services to parents; provided further, that three million eight hundred and ten thousand five hundred and four dollars shall be expended for contracted day care slots for teen parents and their children; provided further, that not more than thirty-three million seven hundred and sixty-nine thousand and three dollars shall be expended for contracted day care slots for income eligible parents; and, provided further, that not more than two million seven hundred and thirty-nine thousand one hundred and sixty-one dollars shall be expended for voucher day care for income eligible parents.

SECTION 107. Item 4000-0210 in said section 2 of said chapter 60 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

The secretariat may expend for purposes of the MASSJOBS day care program an amount not to exceed five million two hundred thirteen thousand one hundred and forty-three dollars from the monies received from title IV-A reimbursements; provided, however, that three million three hundred thousand dollars shall be expended for voucher day care services for participants in the MASSJOBS program and for former participants within up to one year of the termination of their aid to families with dependent children benefits due to employment; provided, further, that not more than one million nine hundred thirteen thousand one hundred and forty-three dollars shall be expended for contracted day care services for participants in the MASSJOBS program and for former participants within up to one year of the termination of their aid to families with dependent children benefits due to employment; and provided, further, that no funds from this item shall be expended for "extended vouchers", so-called.

SECTION 108. Item 4000-0220 in said section 2 of said chapter 60 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the provision and management of the informal child care program; provided, however, that not more than two dollars per child per hour shall be paid for such services; and provided, further, that not more than seven million dollars in total shall be expended for independent child care services.

SECTION 109. Item 4400-1000 in said section 2 of said chapter 60 is nereby amended by inserting after the word "department", in line 11, the following words:- ; provided, further, that the department of transitional assistance

shall maintain welfare offices in Falmouth, Lynn, Hyannis, Orleans, Provincetown, Westfield, Gloucester, at 294 Bowdoin street in the Dorchester section of the city of Boston, and the city of Northampton.

SECTION 110. The program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws is hereby modified by this act for the purposes of promoting the principles of family unity, individual responsibility and self-reliance and to structure financial and economic incentives and disincentives that promote such principles in the administration of said program. It is the intent of the general court that the modifications to said program effectuated by this act shall take effect as soon as practicable in the fiscal year beginning on July first, nineteen hundred and ninety-five.

(a) For purposes of this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Assistance", cash grants, special needs assistance, and other benefits funded jointly by the commonwealth and the federal government which are available from the program.

"Child of record", the youngest child of a recipient on July first, nineteen hundred and ninety-five or at the time a family first applies for assistance after July first, nineteen hundred and ninety-five; provided, however, that a child born to a woman who was pregnant on July first, nineteen hundred and ninety-five or at the time of first applying for assistance shall be the child of record; provided, further, that the commissioner shall establish exemptions to allow a later-born child to be the child of record if such child was born as a result of rape, incest, or other extraordinary circumstances as determined by the commissioner which may include, at the commissioners discretion, renewed eligibility for assistance after a thirty-six month period of ineligibility. Unless the commissioner grants an exemption, the designation of child of record shall not change, even if said child no longer lives in the household, or subsequent children are born to the parent.

"Commissioner", the commissioner of the department.

"Department", the department of transitional assistance known previously as the department of public welfare established by chapter eighteen of the General Laws.

"Dependent child", "dependent children", "child" or "children", the children of recipients eligible to receive assistance from the program.

"Family", the household unit consisting of dependent children and a recipient or recipients determined eligible for assistance from said program.

"Program", the program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws and as modified by this act.

"Recipient", parents receiving or otherwise eligible to receive assistance from said program who are responsible for the care of dependent children.

(*b*) Subject to federal approval of a waiver, a family shall be eligible for assistance provided its maximum allowable countable resources do not exceed two thousand five hundred dollars and upon meeting all other eligibility criteria; provided, however, that the fair market value of any licensed motor vehicle of such family does not exceed five thousand dollars; provided, further, that any value in excess of said five thousand dollars shall be attributed toward said family's countable resources.

(*c*) Subject to federal approval of a waiver, the department shall not provide any increment in assistance because of the addition to a family of any child born after the "child of record". A caretaker or guardian who is not eligible for assistance but is caring for dependent children shall not be so affected by the limit on additional assistance imposed by this subsection, until said caretaker or guardian gives birth to a child that makes said caretaker or guardian initially eligible for assistance.

The department shall further seek a federal waiver of 42 USC 602(a)(38), so that, in cases in which the birth of a child after the child of record leads to increased payments of child support to the family, up to ninety dollars per month of said increased payments of child support paid on behalf of such after-born child shall not be assigned to the commonwealth and shall be retained by the family for the expense of said child.

(*d*) Subject to federal approval of a waiver, the department shall establish levels of assistance that vary according to whether families qualify for the exempt categories of assistance established in subsection (*e*). Families of comparable size and financial circumstances that are determined to qualify for said exempt categories of assistance shall be awarded a higher standard of payment than the assistance awarded to families not so qualifying. Said waiver shall seek to establish the lower payment standard at a level two and three-quarters percent below the level in effect in fiscal year nineteen hundred and ninety-five. Said waiver shall seek to establish an earnings disre-

gard of thirty dollars and fifty percent of earned income for recipients subject to said lower payment standard during the entire period of eligibility for assistance and which shall otherwise be subject to the terms of subsection (*g*). Neither said lower payment standard nor said fifty percent disregard shall be effective unless the other provision is also effective. Said waiver applications shall provide that the provisions of this subsection do not alter the medically needy income eligibility standard of the medical assistance program administered pursuant to chapter one hundred and eighteen E of the General Laws and that said medically needy income eligibility standard shall remain at the level in effect in fiscal year nineteen hundred and ninety-five.

(*e*) Recipients meeting the following eligibility criteria shall be exempt from the provisions of subsections (*d*), (*f*), (*h*) and (*j*) until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:

(1) recipients who are disabled, as defined by regulations of the department, provided that in families with two parents, both parents must be disabled; provided, that to the extent permitted by federal law, the word "disabled" shall not include recipients who are alcohol- or drug-dependent or whose disability is based in whole or in part on previous dependency.

(2) recipients who must care for a disabled child or spouse;

(3) recipients in their third trimester of pregnancy, or recipients with a child of record under the age of two years or any child other than the child of record who is under the age of three months;

(4) recipients under the age of twenty years attending high school full time subject to the provisions of subsection (*i*); or

(5) caretakers of children in their care; provided, however, that the department shall provide a cash payment for only the children.

(*f*) Subject to the commonwealth's receiving a federal waiver, a family in which the recipient does not qualify for the exempt categories of assistance established by subsection (*e*) shall receive assistance for not more than a maximum and cumulative twenty-four months during a continuous sixty month period, unless an extension is granted by the commissioner. Upon receiving said assistance for twenty-four months, a recipient shall be ineligible for assistance for the thirty-six months following the twenty-fourth month. Said con-

tinuous period of sixty months shall commence from the date a recipient first becomes eligible for assistance as a parent or on July first, nineteen hundred and ninety-five, whichever is later. A recipient giving birth to a child during the thirty-six month period of ineligibility shall not be eligible for assistance pursuant to clause (3) of subsection (*e*) solely on the basis of said birth and shall not be eligible for assistance until the expiration of said continuous sixty month period.

In the event a recipient's eligibility status changes to an exempt category of assistance during said sixty month period, the calculation of the maximum assistance period of twenty-four months within said sixty month period shall be suspended and not resume until such time as the recipient is no longer eligible for said exempt status, at which time the calculation shall resume.

The calculation of said twenty-four month period of eligibility for assistance shall be suspended when a recipient or a family unenrolls from said program. The calculation of said twenty-four month period shall resume when said recipient or family is determined upon reapplication to be eligible for assistance. Reapplication for assistance within said continuous sixty month period shall not be considered a new case for purposes of calculating the periods of eligibility and ineligibility for assistance under this subsection. Determinations of a recipient's exempt category status pursuant to this subsection shall be subject to fair hearings; provided, however, that the time during which any appeal is pending shall be calculated toward the period of maximum assistance eligibility. The commissioner shall establish a procedure by which a recipient may request an extension of benefits.

The commissioner shall establish criteria to be considered in making a determination that a recipients benefits should be extended. Such criteria shall include, but not be limited to: (*i*) whether the recipient has received and or rejected offers of employment, has quit a job without good cause or has been fired for cause; (*ii*) the degree to which the recipient has cooperated, and is cooperating, with the agency in work-related activities. In making said determination, the commissioner shall, further, consider whether appropriate job opportunities actually exist locally at a given point in time for recipients. The commissioner may review and revise such determinations as he deems appropriate.

A recipient who, in order to remain eligible for benefits changes eligi-

bility status, and said change in status is proven in a court of competent jurisdiction to be the result of fraud or deceit, shall not be eligible for any program of assistance provided by the commonwealth including, but not limited to, programs of assistance administered by said department, including programs administered jointly with the federal government or solely on the part of the commonwealth, or programs administered by the division of medical assistance, the department of public health or the department of social services, and shall be required to pay full restitution and any fine levied and shall not be eligible to receive assistance until such amounts have been so paid. Any recipient who participates in or assists in procuring payments from the department by falsely depicting himself as exempt as defined herein, shall be punished by a fine of not less than two hundred nor more than five thousand dollars or by imprisonment for not less than one year nor more than five years and in all cases repayment shall be ordered of the amount of any such payments procured in addition to and not in lieu of any penalties imposed pursuant to this section.

Notwithstanding the provisions of this section, a recipient who was participating in a MASSJOBS program on January first, nineteen hundred and ninety-five shall be allowed to complete such program and shall continue to receive assistance while participating in said program.

(*g*) Subject to federal approval and federal financial participation, a recipient, or an applicant who has received aid to families with dependent children within the last four calendar months, shall be eligible to have thirty dollars and one-third of the remaining gross earned income, after work-related expenses but before dependent care deductions, disregarded, subject to the provisions of 106 CMR 304.280(C), for the entire period that any such recipient is eligible for assistance; provided that the amount of said disregard shall be thirty dollars and one-half of said income for recipients subject to a reduction in assistance pursuant to subsection (*d*).

Subject to federal approval and federal financial participation, aid shall be provided to a two parent family which includes a needy child and meets the generally acceptable financial eligibility requirements regardless of whether the principal wage earner of such family is employed for one hundred hours a month or more; provided, however, that the department shall seek a waiver to secure federal financial participation for such aid; and provided, further, that such aid shall not be paid unless federal financial aid is available.

(*h*) Subject to appropriation, the department may develop for each recipient an employment development plan designed to enable said recipient to attain economic self-sufficiency. Said plans shall be prepared by the case manager with involvement of the recipient. The plan may include an in-depth assessment of the recipient's current employability and development of a strategy to return such parent to economic self-sufficiency. The department shall determine program availability levels for each of the program components listed below, after considering the appropriations for said components, for assistance, and for day care services related to the program. Volunteers shall be given first priority for participation in all such program components. If the program availability level exceeds the number of volunteers for a program component, the department shall fill the available slots based on department and federal regulations and the employment development plan of a recipient. No parent shall be allowed to enroll in a program component if the number of participants already in such program component meets or exceeds the number established as the program availability level for that program component.

Recipients not qualifying as exempt under the provisions of subsection (*e*) and whose child of record is at or over the age at which full-time school attendance is mandatory in the city or town in which such child resides shall participate in the work program established by subsection (*j*).

All recipients may participate in the following components of an employment development plan subject to the availability of program slots and funding; provided, however, that those subject to the provisions of subsection (*j*) shall fulfill the requirements of said subsection in addition to any participation in the following program components:

(1) the full employment program established pursuant to subsection (*l*);

(2) a recognized job training program;

(3) a recognized educational program;

(4) any other MASSJOBS program component.

The department shall consider the availability of transportation in developing said employment development plans; provided, however, that the department shall develop a proposal for an alternative transportation plan. Said plan shall include an analysis of the number of recipients, if any, exempted under this subsection and the costs of providing transportation to allow any such recipients to participate in a program component.

Consistent with all applicable state and federal regulations, it shall be

the responsibility of the recipient to fulfill the obligations of the employment development plan, contingent upon the provision of needed services or supports as indicated in such plan. The employment development plan may require mandatory community service if the recipient has failed more than once to fulfill the obligations of his employment development plan without good cause, as defined in state and federal regulations. Failure by the recipient on more than one occasion to participate in the community service program once mandated to do shall result in the termination of all assistance, subject to review by the commissioner. Recipients who fail to adhere to the obligations set forth in their employment development plan and experience a reduction of family income due to a reduction of benefits which, in turn, places their children at risk, shall be required to meet with their case worker for reassessment.

(i) (1) The department shall seek a federal waiver of the so-called "grandparent deeming" rule as described in 42 USC 606, et seq., to provide that in determining the amount of the cash payment to a recipient living with her parents, the department shall disregard income of the household up to two hundred percent of the poverty level for a family of comparable size unless such income is earned by the parent living with her parent. Subject to the commonwealth's obtaining said waiver, in situations where no abuse, neglect or addiction is present, the department shall not provide benefits to a family headed by a recipient under the age of twenty, unless such recipient resides with a parent, grandparent, uncle, aunt, adult sibling, spouse, other family member as determined by regulations or guardian or lives in structured housing; provided, however, that the department may determine that a teen recipient who achieved necessary educational and vocational goals and acquired sufficient independent living skills and parenting skills may live on her own.

In situations where a pregnant or parenting teen recipient asserts that she cannot stay at home because abuse, neglect or addiction is present, or because of other extraordinary circumstance which the commissioner determines should exempt the teen from this requirement, the home shall be evaluated by a professional experienced in the field of adolescent development and young parenting within the department of social services; provided, however, that such professional shall not replace or be assigned in addition to a social worker who has already been working with the pregnant or parenting teen and her family for more than one month. The department shall establish standards

and procedures to govern determinations of abuse, neglect and addiction as required by this subsection. Wherever it is determined by the department that abuse, neglect or addiction is present or such other extraordinary circumstance requires, the teen shall reside in a structured setting in order to receive benefits from the department. If a structured setting is not available at the time such determination is made, such individual shall be exempt from the provisions requiring the teen recipient to live at home pursuant to this subsection until such time as a placement in a structured setting shall be made available.

(2) The department shall not provide benefits to a family headed by a parent under the age of twenty, unless such parent has graduated from or is enrolled in a program for a high school diploma or a general education development certificate. Subject to appropriation, the department shall provide child care for all teenage recipients who are unable to find suitable alternative child care arrangements; provided that the department snall promote the use of informal child care for recipients subject to the provisions of this subsection.

(3) Subject to appropriation, the department shall adapt and expand the teen specialist model being used in the federal demonstration project currently underway in the welfare offices in the cities of Lynn, Marlborough, Framingham and Attleboro. The department shall identify and train teen specialist case managers to coordinate available services and assist in the process of determining appropriate living arrangements.

(4) The department shall enter into an interagency agreement with the department of social services to develop resources for structured residential living arrangements that will meet the long-term needs of teenage recipients and their children.

Pregnant and parenting teens residing in structured residential settings shall be required to pay a portion of their grant as determined by their residential program for rent.

For the purposes of this subsection, the minimum requirements for a structured setting shall:

(*i*) require teen recipients to enroll and make acceptable progress in a program for a high school diploma or a general education development certificate;

(*ii*) require teenage recipients to participate in basic parenting classes,

basic life skills classes and pregnancy prevention classes;

(*iii*) provide necessary rules and regulations to promote stability; and

(*iv*) provide regular counseling sessions to enhance the individuals self-esteem.

Transitional housing programs serving teenage parents sixteen years of age or older shall not be considered to fall within the definition of "group care facility" as appearing in section nine of chapter twenty-eight A of the General Laws.

The office for children shall, on or before July first, nineteen hundred and ninety-five, promulgate rules and regulations concerning the licensing of transitional housing programs serving teenage parents sixteen years of age or older and residential programs serving teenage parents under sixteen years of age.

(*j*) Subject to the approval of a federal waiver, the department shall administer a program, to be known as the work program, for families that are not exempt under subsection (*e*) and in which the child of record is at or over the age at which full-time school attendance is mandatory in the city or town in which such child resides; provided, however, that such family has received assistance from the aid to families with dependent children program for sixty days. Said program shall require that the head of household in each such family shall work twenty hours each week. Said work requirement may be met by working in a job for which compensation is paid; by working full time in the full employment program established in subsection (*l*); or by participating in community service pursuant to the following provisions. At the discretion of the commissioner, recipients subject to said work requirement who fail to meet said requirements shall not receive assistance.

Recipients who work twenty hours per week in a job for which compensation is paid shall be eligible for the earnings income disregard provided pursuant to subsections (*d*) and (*g*). The department shall make payments for child care services to families in which a parent, or parents, is working and needs child care services in order to work. If a recipient in the work program has not obtained employment, or whose gross income, from employment or other sources, including child support, is less than the applicable payment standard for a family of the same size, the recipient shall be required to participate for twenty hours per week in a community service program during the school hours of such child in return for the applicable payment standard for a family of

the same size. In the case of a recipient who has obtained employment of less than twenty hours per week, the community service requirement shall be the difference between twenty hours per week and the amount of time such recipient is employed each week; such recipient shall receive the difference between the applicable payment standard and his income from other employment. The provisions of this subsection shall supersede any conflicting provisions in this act.

Any recipient required to participate in the work program who was participating in a MASSJOBS program on January first, nineteen hundred and ninety-five shall be allowed to finish such program and such participation shall count towards the work requirements of this subsection. Any such recipient on a waiting list for such a program as of January first, nineteen hundred and ninety-five shall be allowed to participate in such program and such participation shall count towards the work requirements of this subsection; provided, however, that while on such waiting list, such recipient shall remain subject to the provisions of this subsection. Upon completion of said MASSJOBS program, or withdrawal from said MASSJOBS program, such recipient shall be required to participate in the work program.

(*k*) Subject to appropriation, a community service program is hereby established as a program in which recipients may be offered the opportunity to volunteer for twenty hours per week or be mandated to participate pursuant to the provisions of subsection (*j*) or when participation is authorized as a sanction pursuant to the provisions of this section. The department shall administer and promulgate regulations necessary for the operation of said community service program and the work program described in subsection (*j*). Said regulations shall incorporate the plan for implementation of community service developed by the MASSJOBS council pursuant to this subsection. Preference in community service programs shall be given to those required to participate. Community service programs shall not be used to displace regular employees nor to fill unfilled positions previously established.

For the purpose of this section, "community service", shall mean a program designed for recipients of public assistance under which a public entity or private nonprofit organization undertakes to provide work or training experience to applicants or recipients of public assistance who have chosen or have been mandated to participate without compensation in such program, and to provide supervision over such work or training experience.

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the MASSJOBS Council is hereby authorized and directed to form a special advisory commission to develop a plan for the implementation of the community service program. Said commission shall work in conjunction with a representative from the Massachusetts Council of Human Service Providers, Inc. and the Massachusetts Municipal Association, Inc. Said plan shall address, at a minimum, the following issues: liability; worker's compensation; training; union issues; qualifications; supervision; transportation; discipline and any costs associated therewith.

(I) (1) Subject to federal approval and federal financial participation, the full employment program is hereby established as a program in which recipients, subject to criteria and eligibility rules established by the department, in lieu of receiving coupons under the food stamp program and cash payments under the program of aid to families with dependent children, shall be provided with employment in a manner which promotes self-sufficiency and which shall provide work experience to improve the recipient's competitive position in the work force. The department may require participation in this program pursuant to an employment development plan; provided, however, that volunteers shall be given first priority for participation. The number of jobs made available pursuant to this program in fiscal year nineteen hundred and ninety-six shall not exceed two thousand.

(2) The executive office of health and human services and the department shall administer said program and shall promulgate regulations necessary for the operation of said program. The executive office of health and human services and the department shall utilize the MASSJOBS council and the regional employment boards for purposes of obtaining employers for placements. The MASSJOBS council and the regional employment boards in each area shall approve such program and monitor the operations of the program for such areas and make recommendations to the department for improved program efficiency and effectiveness. The department shall provide direct administrative support to the MASSJOBS council and each regional employment board to conduct the activities outlined. The MASSJOBS council shall develop a strategic plan for the implementation, execution and ongoing analysis of the full employment program component of welfare reform as set forth in the council's stated policy priorities. Said plan is to be developed in conjunction with and implemented by said regional employment boards.

(3) (*i*) An eligible individual who participates in the program shall work forty hours per week in program jobs, as available, and shall be paid not less than four dollars and fifty cents per hour. If the net wage amount is less than the participant's current grant, the commonwealth shall supplement the amount necessary to equal such current grant.

(*ii*) In addition to the participant wage, as defined in subparagraph (*i*) of paragraph (3), the employer shall pay one dollar for each participant hour worked into a qualified Individual Asset Account, hereinafter called the "IAA", as defined in regulations promulgated by the executive office of health and human services. The IAA shall be owned by the participant and access shall be restricted until such time as the participant leaves the program for a job of at least thirty hours per week for which compensation is paid or after twelve months in said program, whichever is sooner. The IAA is established in order to improve the position of program participants by increasing their asset base. The amount in the IAA shall not be counted as an asset for the purpose of determining financial eligibility for benefits authorized by this chapter.

(4) Upon the acceptance of a program job in compliance with the participant's employment development plan as set forth herein, aid to families with dependent children and food stamp benefits shall no longer be paid as a grant to the program participant. The commonwealth shall pay to employers the following amounts as partial reimbursement for wages paid to program participants: (*i*) for the first nine months that the program participant is employed by such employer, three dollars and fifty cents per hour; (*ii*) for the next three months that the program participant is employed by such employer, two dollars and fifty cents per hour.

(5) (*i*) The department shall adopt rules and regulations to determine which employers within the commonwealth shall have the opportunity to accept program participants. No employer shall be required to participate in the program. In the event that there are unassigned participants whom no employer has accepted, such unassigned participants shall be reassessed, with focus on the economic development plan, and may be assigned to other available programs.

(*ii*) The maximum number of program participants that an employer shall be authorized to accept at any one time shall not exceed ten percent of the total number of the employer's employees; provided, however, that an employer may

receive one participant. The commissioner of the department may waive the limit in special circumstances; provided, however, that said commissioner may grant or not grant said waiver at his sole discretion and his decision shall not be subject to review.

(*iii*) The department shall establish rules and regulations to:

(A) develop criteria and fair procedures for excluding certain employers from participation for failure to abide by program requirements or other demonstrated unwillingness to comply with the stated intent of said program; and

(B) provide that employers that have shown a pattern of terminating participants prior to the completion of training or of not offering unsubsidized employment to participants who have successfully completed training with that employer shall be ineligible to receive additional participants.

(6) The department shall seek to insure that jobs made available to program participants shall not:

(*i*) require work in excess of forty hours per week; and

(*ii*) be used to displace regular employees nor to fill unfilled positions previously established.

(7) (*i*) With the assistance of the regional employment board and the MASSJOBS council, the department shall develop a job inventory. The department shall submit to the general court and to the governor an annual report outlining the number of placements available for all programs set forth in this proposal.

(*ii*) In consultation with the participant, the department shall attempt to match the profile of a participant with the needs of an employer when assigning a participant to work with such employer.

(*iii*) Program employers shall:

(A) endeavor to make program placements positive learning and training experiences;

(B) maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than that of comparable jobs of the employer;

(C) provide on-the-job training to the degree necessary for the participant to perform such duties;

(D) provide on-the-job mentors from among regular employees to assist the participants in becoming oriented to work and to the workplace; and

(E) sign an agreement for each placement outlining the specific job of-

fered to the participant and agreeing to abide by all requirements of the program, including the requirement that the program not supplant existing jobs and to repay reimbursements in the event the employer violates program rules.

The department shall have sole authority to enforce these conditions and shall establish regulations to govern such enforcement.

(*iv*) Either the employer or the participant may terminate the assignment by contacting the appropriate department office. In such event, the case worker shall reassess the needs of the participation and may assign the participant to another placement or another program component and, at the employer's request, the case worker may provide the employer with another participant. The department shall endeavor to keep such termination to a minimum.

(*v*) If, after nine months in a placement, a participant has not been hired for an unsubsidized position, the economic development plan of the participant shall be reassessed. If, after twelve months in a placement, a participant has not been hired for an unsubsidized position, the subsidy to the employer shall be discontinued, the economic development plan of the participant shall be reassessed and the participant may be assigned to another program job.

(8) Aid to families with dependent children and food stamp benefits shall be suspended at the end of the calendar month in which an employer makes the first wage payment to a participant who is a custodial parent in a family that receives aid to families with dependent children and food stamp benefits.

(9) (*i*) Employers shall pay all participants a wage rate of not less than four dollars and fifty cents per hour.

(*ii*) Sick leave, holiday and vacation absences shall conform to the individual employer's rules for new employees.

(*iii*) All persons participating in the program shall be considered to be employees of the individual employer providing the employment and shall be entitled to all benefits required by state and federal law.

(*iv*) Employers shall provide workers' compensation coverage for each program participant.

(10) In the event that the net monthly full-time wage paid to a participant, which for purposes of this subsection shall be the gross wage minus mandatory payroll deductions, would be less than the level of income from aid to families with dependent children and the food stamp benefit amount equivalent that the participant would otherwise receive, the department shall determine

and pay a supplemental payment as necessary to provide the participant with such level of net income. The department shall, by regulation, adopt an equivalency scale to be adjusted for household size and other factors. The purpose of the equivalency scale shall be to insure that participants are not economically disadvantaged, in terms of net income, by accepting a job under the program. The department shall determine and pay, in advance, supplemental payments to participants on a monthly basis as necessary to insure equivalent net program wages. The employer shall compensate participants for hours worked.

(11) Program participants who are eligible for federally and state funded medical assistance at the time they enter the program shall remain eligible for as long as they shall continue to participate in said program.

(12) Program participants who have failed to carry out successfully a program job after a minimum of three attempts shall be reassessed and may be assigned to mandatory placement in the community service program. Rules governing sanctions, hearings or conciliations for participants in the program shall be the same as those for the aid to families with dependent children and food stamp programs.

(13) If the department finds that an employer has violated any of the rules or regulations of the program, the department: (*i*) shall withhold any wage reimbursement amounts due to the employer; and (*ii*) may seek repayment of any wage reimbursement amounts paid to such employer.

(14) There is hereby established a full employment advisory board, hereinafter called the board, to consist of seven members to be appointed by the governor, two of whom shall be from the business community, one of whom shall be the secretary of economic affairs, one of whom shall be an expert in labor market economics, two of whom shall be nominated by the AFL-CIO and one of whom shall be an employed former recipient of aid to families with dependent children.

The board shall oversee and review practices of employers and assess compliance with regulations and shall report to the general court and the governor semiannually until December thirty-first, nineteen hundred and ninety-six with recommendations to improve the full employment program.

(15) For the purposes of determining the one year transitional day care and medicaid provided to certain former recipients of assistance who have left the program for employment, the transitional year, so-called, shall commence

on the day said participant is hired into non-subsidized employment.

(*m*) A taxpayer required to file a return under the provisions of chapter sixty-two of the General Laws shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by such taxpayer through the full employment program defined in this section. Such credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by one hundred dollars. The maximum credit allowed for all years for the employment of each qualifying program participant shall be one thousand two hundred dollars. A taxpayer entitled to a credit under this subsection for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

The department shall report to the department of revenue and to the employer the program participant's name and social security number, the employer's name and identification number and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this subsection within thirty-one days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine nonconfidential data which shall annually be published to determine the effectiveness of the credit provided by this subsection. Said department of revenue shall promulgate rules and regulations necessary to implement the provisions of this subsection.

A taxpayer required to file a return under the provisions of chapter sixty-three of the General Laws shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by the taxpayer through the full employment program defined in this section. Such credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by one hundred dollars. The maximum credit allowed for all years for the employment of each qualifying program participant shall be one thousand two hundred dollars. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

The department shall report to the department of revenue and to the employer the program participant's name and social security number, the employer's name and identification number and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within thirty-one days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine nonconfidential data which shall annually be published to determine the effectiveness of the credit provided by this subsection. The department of revenue shall also promulgate rules and regulations to implement the provisions of this subsection.

SECTION 111. Notwithstanding any general or special law or any rule or regulation to the contrary, persons collecting public assistance from programs administered by the department of transitional assistance who inherit any sum of money or receive a damage award or whose net winnings or payoff of any lottery or contest exceed six hundred dollars in cash or other monetary value, shall report said inheritance, winnings or damage award to the department within seven days of collecting said excess amount. Upon any said person's collection of any such value or amount in excess of six hundred dollars the department shall reduce the assistance granted to any such person by said amount in excess of six hundred dollars. If at any time said excess amount exceeds said person's monthly public assistance benefit, said assistance shall be suspended and no such public assistance shall be paid to said person until such time as the value of said monthly welfare supplement equals the value of said excess amount. The department shall promulgate rules and regulations to implement the intent of this subsection.

SECTION 112. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to assure access to certain data available to and provided by the department of revenue including, but not limited to, fourteen day labor reporting information, and to garnish wages of persons determined to have fraudulently obtained assistance.

SECTION 113. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to establish administrative penalties for first conviction of welfare fraud or in cases in which persons are receiving benefits under more than one application,

which shall include permanent disqualification for future benefits and repayment in an amount equal to the grant received from the date of the incidence of fraud for which said person has been convicted.

SECTION 114. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to establish a toll-free telephone number for the reporting of suspected welfare fraud or violations of any regulations of the department. Information received through such program shall be referred to the bureau of special investigations.

Any person found guilty of committing a fraud upon the department shall be ineligible to receive benefits under any assistance program provided by said department until such time as any fine has been paid and any sentence has been served that was imposed as a result of a conviction of a violation of sections five B, five F or fifteen of chapter eighteen of the General Laws.

SECTION 115. The department of transitional assistance shall study the feasibility and determine the cost of implementing and maintaining an automated two-digit fingerprint and digitized photograph matching system at each office of the department. Said study shall also identify the costs and feasibility of establishing a pilot program for this system at the two department offices located in the cities of Lawrence and Springfield. The department shall submit said study to the house and senate committees on ways and means no later than March fifteenth, nineteen hundred and ninety-five.

SECTION 116. Subject to appropriation, the department of transitional assistance shall develop and advertise a request for proposals for an automated two-digit fingerprint and digitized photograph matching system to be used in pilot programs located in the Lawrence and Springfield offices of the department. Prior to the award of a contract, the department shall certify that the design of said pilot programs fulfills all the requirements of this section. After award of such contract, the department shall be responsible for ensuring that adequate training for local staff involved in said pilot program shall be provided, and taking any actions necessary to bring such local pilot program into compliance, if necessary.

The department shall establish said pilot program for preventing multiple enrollment or other fraudulent conduct of aid to families with dependent children benefit recipients through the use of an automated two-digit fingerprint and digitized photograph matching system. The system shall only include aid

to families with dependent children benefit recipient fingerprinting and photographing upon application for eligibility of said benefits, and fingerprinting and photographing of aid to families with dependent children benefit recipients currently receiving benefits within thirty days of implementation of said pilot program.

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, data collected and maintained through the use of an automated fingerprint and digitized matching identification system in said pilot program as authorized by this subsection shall not be used, disclosed, or redisclosed for any purpose other than for the prevention of multiple enrollments in the program of aid to families with dependent children, and shall not be used or admitted in any criminal or civil investigation, prosecution or proceeding, other than a proceeding pursuant to section ten of chapter one hundred and eighteen of the General Laws or pursuant to this subsection. Any person who knowingly makes or obtains an unauthorized disclosure of data collected and maintained through the use of an automated two-digit fingerprint system shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one-half years in a county correctional facility, or by both such fine and imprisonment. Data collected and maintained through the use of an automated two-digit fingerprint and digitized photograph matching identification system shall be subject to the provisions of section fifteen of chapter eighteen of the General Laws relating to unauthorized disclosure of confidential client information.

Notwithstanding the provisions of any other general or special law to the contrary, nothing contained herein shall be construed to authorize or permit the termination, suspension, or diminution of aid to families with dependent children benefits except as elsewhere specifically authorized in this chapter, except where the basis of the proposed sanction is a determination of a fraudulent multiple enrollment or other fraudulent conduct, based on the use of an automated two-digit fingerprint and digitized photograph matching identification system.

The data collected and maintained in such automated systems shall be deemed to be records as defined in clause Twenty-sixth of section seven of chapter four of the General Laws.

SECTION 117. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to im-

plement regulations to provide that employees of the department who participate in or assist in fraudulently procuring payments from the department shall be terminated from such employment. Any such employee shall be punished by a fine of not less than two hundred nor more than five thousand dollars or by imprisonment for not less than one year nor more than five years and, in all cases, repayment shall be ordered of the amount of said payments procured which shall be in addition to and not in lieu of any penalties imposed pursuant to this section; provided, however, that the retirement contributions of such employees shall be made available for the purpose of satisfying said ordered repayment and such fines levied hereunder.

SECTION 118. Subject to federal approval of any necessary waivers, the department of youth services and the department of correction shall on a monthly basis transmit to the department of transitional assistance a current roster of all persons incarcerated in or committed to each of the houses of correction, boot-camps, prisons and other correctional facilities run by said departments housing inmates who have been incarcerated since the last monthly report. The information shall be provided in a format that is compatible with the department's file layout of its automated data processing system to ensure the immediate identification of inmates who may be receiving welfare benefits. The information provided shall include name, social security number, date of birth, date of incarceration, and expected release date. The department shall examine and verify said information and shall identify any case in which a person so incarcerated or so committed, said person's family member or said dependent, is receiving benefits from said public assistance programs for which he, said family members or said dependent is not eligible and shall take appropriate action which shall include, but not be limited to, a review and re-verification by the department that the information is accurate and applicable as required by department regulations. The department shall provide this information to the Social Security Administration and the Massachusetts department of revenue. No information obtained pursuant to this section shall be released or utilized for any purpose other than those set forth in this section.

SECTION 119. Notwithstanding the provisions of section twenty-seven A of chapter eighteen of the General Laws, any recipient receiving assistance in the form of cash benefits under the program as defined in section one hundred and ten of this act with an active account at a banking or financial institu-

tion shall have such assistance directly transferred to said account. A recipient who is employed and receiving assistance shall be encouraged to establish an account with a banking or financial institution in order to receive said assistance. The commissioner of the department of transitional assistance is hereby authorized and directed to coordinate efforts with the commissioner of banks to promote the location of branch offices of such banking or financial institutions capable of accepting such transfers in locations accessible to families receiving such assistance and may waive the requirements of this subsection in the event such institutions are not readily accessible; provided, however, that locations where public transportation is available within one mile of a recipient's residence shall not be eligible for such an exemption. A disabled recipient shall be provided with the opportunity to seek an exemption from this requirement upon a showing that such recipient would be unable to meet its requirements due to the lack of handicapped-accessible transportation services.

The department is hereby authorized and directed to study the feasibility and cost-effectiveness of developing a statewide electronic benefits transfer system project for the administration of the food stamp program. Said program would create a debit card system to enable recipients to purchase food through retail electronic teller machines. The study shall include, but not be limited to, an assessment of the fraud prevention potential of said transfer system and an assessment of federal funding possibilities for said system. The department shall report the results of its study to the house and senate committees on ways and means not later than December thirty-first, nineteen hundred and ninety-five.

SECTION 120. Notwithstanding the provisions of any general or special law to the contrary, every recipient of assistance prior to the effective date of this act shall be notified within ninety days of the effective date of this act or on such other date as determined by the department of transitional assistance that he must reapply in person for benefits to the department within ninety days of the giving of such notice, and that failure without good cause to so reapply shall result in the termination of benefits. Any recipient who fails without good cause to so reapply shall, after opportunity for hearing, have his benefits terminated.

SECTION 121. Subject to the commonwealth receiving a federal waiver, no aid shall be paid under the program, as defined in section one hundred and ten

of this act, to, or on behalf of, any child under the age of fourteen whose school attendance does not meet the requirements of clause (1), with respect to that period during which the child does not meet these requirements.

(1) Each non-disabled recipient, as defined and determined by the department, shall provide documentation to the department, not less than quarterly, that any school age child under the age of fourteen receiving assistance has missed not more than eight school days during the previous quarter; provided, however, that absences due to the following reasons shall be considered excused absences:

(*i*) illness, as certified by a physician or by other proof that the department determines is adequate;

(*ii*) hospitalization;

(*iii*) disability, as defined by the department;

(*iv*) death of a family member; or

(*v*) crisis situations as defined by the commissioner.

(2) (*i*) A non-disabled recipient who does not, without good cause, provide the documentation required by this section within the reasonable time established by the department, or the documentation so provided indicates that the child has had more than eight unexcused absences from school during the prior quarter, the recipient shall be placed on a probationary status, during which time the recipient shall be required to provide monthly documentation of the child's attendance. The recipient shall remain on probationary status until such time that the number of unexcused absences during the six preceding school months does not exceed ten school days.

(*ii*) If a child under the age of fourteen has more than three unexcused absences during any month in the probationary status, no aid shall be paid to, or on behalf of, that child until the recipient provides documentation that the child's school attendance meets the requirements of this section.

(*iii*) Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town or regional school district, and without regard to any appropriation by the general court, any school attended by a child to which this section applies shall provide the documentation required by this section upon the request of the recipient.

SECTION 122. No recipient shall be eligible to receive the recipient's portion of assistance payable under the program, as defined in section one

hundred and ten of this act, without presenting a certificate of immunization for each child to the department of transitional assistance; provided, that said certificate shall state said child has been immunized for diseases outlined by section fifteen of chapter seventy-six of the General Laws. The department shall seek all waivers necessary to implement the provisions of this section.

A recipient shall not be denied said assistance until having been provided with sixty days to meet the requirements established by this section. The department, in consultation with the division of medical assistance, shall inform each such recipient about health care providers available in the recipient's community who are capable of assisting with such immunizations.

SECTION 123. Notwithstanding the provisions of any general or special law to the contrary, any agency or entity that receives state funds shall not publish or cause to be published any information intended to instruct, encourage or aid a person to commit fraud upon the commonwealth or to circumvent regulations by spending financial windfalls from lottery winnings, inheritances or court settlements in order to ensure continued eligibility for the aid to families with dependent children program or other state-funded programs. Violation of the provisions of this section shall result in sanctions to an employee of any such agency and the imposition of a fine to such agency of up to ten thousand dollars; provided, however, that nothing in this section shall be construed to require an attorney to behave in a manner inconsistent with the code of professional responsibility.

SECTION 124. Notwithstanding the provisions of sections twenty-six and twenty-seven of chapter eighteen of the General Laws, the department of transitional assistance may make rent payments directly to a landlord or property manager in the case of a recipient who has not paid any rent for six consecutive weeks after such rent was due. Within two weeks of the request of a landlord or property manager for such direct payment, the director of the local office of the department shall hold a hearing to determine: (1) whether direct payments shall be instituted and the reasons therefor; (2) whether the tenant prefers that the department pay rent directly to the landlord or property manager; (3) a reasonable schedule for payment of rent in arrears; and (4) whether there are any violations of the health or sanitary code of the local code enforcement agency. The department shall not issue direct payments to the landlord or property manager if there is a dispute relative to the com-

pliance of the rental unit with the health and sanitary codes unless the provisions of said sections twenty-six and twenty-seven of said chapter eighteen are satisfied, but shall place such amount into an escrow account to be released in accordance with the provisions of such accounts in the laws governing the conduct of landlords and tenants.

The department shall notify the landlord or property manager, and the recipient of the hearing and of the opportunity to testify. A hearing under this section shall not be subject to the procedural requirements of chapter thirty A of the General Laws.

The amount of any direct payment to a landlord pursuant to this section shall be deducted from the assistance payable to such recipient.

The hearing provisions of this section shall not apply when the landlord requests direct payment and the tenant voluntarily agrees to such payment, and in such case the commissioner shall authorize such direct payment to such landlord in accordance with the provisions of this section.

SECTION 125. The commissioner of the department of revenue is hereby authorized and directed to study and prepare a proposal to develop, implement and operate an on-line, inter-agency wage reporting and bank match system (*a*) for the purpose of verifying financial eligibility of recipients of entitlement programs of the commonwealth or any political subdivision thereof or their respective agencies, including local administering agencies and local housing authorities, (*b*) for purposes of integrating, consolidating, and coordinating the non-confidential recipient information required by all agencies that comprise and impact the welfare system including, but not limited to the following: Massachusetts department of revenue, the United States Department of Revenue, department of employment and training, Massachusetts rehabilitation commission, department of social services, department of youth services, department of mental health, department of mental retardation, and the department of transitional assistance, (*c*) for the purpose of reducing fraud and preventing abuse of the transitional assistance program, (*d*) for purposes of maximizing the resources of participating agencies, eliminating duplication, and eliminating multiple claims filed by an individual recipient or a recipient's family members, (*e*) for purposes of determining actual income levels of a household at the time of a tax filing, verifying social security numbers, determining actual number of dependents in a household and any income they receive, and ensuring all household income is declared at time of filing

request for transitional assistance, (f) for the purpose of preventing self-declarations of poverty and need, and (g) for purposes of administering the tax laws and the transitional assistance program of the commonwealth.

Said plan shall include the estimated cost of implementing such program, including initial start-up and ongoing costs. Such plan shall be submitted to the house and senate committees on science and technology and the house and senate committees on ways and means on or before June first, nineteen hundred and ninety-five.

SECTION 126. The department of transitional assistance and the department of education are hereby authorized and directed to develop a plan for the expansion of subsidized child care services to be made available to income eligible families. Said plan shall identify expansion opportunities in the workplace and in educational institutions that are linked to welfare-to-work training programs and permanent job placements. Proposals that encourage private sector development of such opportunities shall be included in said plan. The departments shall jointly file the said plan, including funding recommendations therefor, not later than December thirty-first, nineteen hundred and ninety-five with the secretary of the executive office of health and human services and the clerks of the house of representatives and the senate.

The said departments are hereby further authorized and directed to develop a plan that expands the comprehensive school-age parenting program statewide and a plan of school-to-work initiatives that provide school-age youth with increased job experience and opportunities.

SECTION 127. The department of transitional assistance, through the executive office of health and human services, shall work with the executive office of communities and development, hereinafter referred to as the EOCD, and the Massachusetts housing finance agency to coordinate policies, programs and funding regarding housing and support services for pregnant and parenting teens. Funding sources to be examined by EOCD and the department shall include the housing innovations fund, public housing developed under chapter one hundred and twenty-one B of the General Laws, the Massachusetts rental voucher program, and the rental housing development action loan program for rent. The performance of such coordination functions shall not be subject to judicial review, nor shall the provisions of this paragraph be construed as giving rise to a cause of action in any person.

SECTION 128. There is hereby established a special commission to study

the feasibility of reverting the implementation of the welfare program to the municipalities of the commonwealth. Said commission shall consist of the commissioner of the department of transitional assistance, the secretary of executive office of health and human services, four members of the senate, four members of the house, and two persons appointed by the governor.

Said commission shall review and make recommendations to the governor and the general court regarding the program. Said review shall consider the levels of fraud and abuse, communication between case workers and clients, the magnitude of responsibilities placed on case workers, and all other aspects of the program necessary to revert the management of the program to the municipalities. Said commission shall report its findings no later than January first, nineteen hundred and ninety-six.

SECTION 129. There is hereby established a review board for the purpose of studying the exchange of information between the department of transitional assistance and other state agencies and governmental bodies. Said study shall make recommendations for the use of such information to reduce fraud and increase efficiency in the delivery of services and programs that are administered by the department and for use by other agencies and governmental bodies in the performance of their duties. The review board shall report to the house and senate ways and means committees within one year after the effective date of this act with its recommendations, if any. The board shall consist of the secretary of health and human services, or his designee, the secretary of public safety, or his designee, and three persons to be appointed by the governor, two of whom shall represent local law enforcement entities, and one of whom shall be a member from a human services advocacy group.

SECTION 130. A case manager may during the eligibility intake and redetermination process provide in writing to every applicant and every recipient for assistance a summary of the laws, regulations and policies governing participation in the program. Each such applicant and recipient shall at least be informed about the following provisions: the duration of assistance and benefits under the program; the ineligibility of children born after the child of record for assistance; penalties for fraud; school attendance and immunization requirements for dependent children; and protective payments that may be required under certain circumstances for rent and utilities. To promote understanding of such laws, regulations and policies, a case manager may orally discuss this information with an applicant or recipient.

SECTION 131. A special committee is hereby authorized and directed to undertake a review of the existing job training programs within the commonwealth, the cost of such programs and job training strategies. This review shall include a determination of the current impact of the utilization of job training programs. The review shall conclude with the formulation of an implementation plan for training welfare recipients to enter the workforce. Said special committee shall consult with and seek advice from representatives of the MASSJOBS Council the department of employment and training and Bay State Skills Corporation.

The committee shall consist of; the house chairman of the joint committee on commerce and labor or his designee; the house chairman of the committee on human services and elderly affairs or his designee; one member of the Black Caucus; and two members of the house of representatives to be named by the speaker.

The governor is authorized to explore and apply for any and all federal job training grants/programs available to the commonwealth.

The special committee shall report to the general court the results of its review, together with its recommendations and drafts of any legislation necessary to carry these recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the chairmen of the joint committee on commerce and labor on or before the fifteenth of March, nineteen hundred and ninety-five.

SECTION 132. The clothing allowance funded by item 4403-2000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four shall be provided in the form of a voucher with no cash value.

SECTION 133. In addition to any other remedy available to enforce a judgment pursuant to section thirty-four A of chapter two hundred and fifteen of the General Laws, the court may order a party failing to support his or her children to participate actively in a program of community service for up to twenty-five hours per week if said children are being supported by public assistance.

SECTION 134. The Cape Cod, Martha's Vineyard and Nantucket Regional Employment Board, hereinafter referred to as the REB, is hereby authorized to establish a demonstration project for a period of five years to develop and administer a program including, but not limited to consolidating and coordinating programs funded through the department of employment and training, the

industrial services program, the department and federal Job Training Partnership Act in the counties of Barnstable, Dukes and Nantucket. Said programs shall include, but not be limited to the following: aid to families with dependent children, food stamps, emergency assistance for the elderly, disabled and children, social security insurance, Medicaid, unemployment insurance, the federal Wagner Peyser Act, employment network, employment, employment services, MASSJOBS and the federal Job Training Partnership Act.

Within six months of the effective date of this act, the REB shall develop a comprehensive plan to consolidate, coordinate and allocate such programs into a single point of access system for individuals in need of public assistance, unemployment compensation, job training or employment services. The REB shall coordinate with the appropriate state agencies to develop a plan which maximizes resources and eliminates duplication while providing a high quality of service in Falmouth, Hyannis, Orleans, Provincetown, Nantucket and Martha's Vineyard. Said plan shall be presented to the MASSJOBS Council, and the house and senate committees on ways and means.

SECTION 135. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall report monthly to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means on the utilization and cost of all day care programs funded in whole or in part by the commonwealth. Such report shall include: (1) the number of filled MASSJOBS voucher day care slots; (2) the number of filled MASSJOBS contracted day care slots; (3) the number of filled teen day care slots; (4) the number of filled income eligible voucher day care slots; (5) the number of filled income eligible contracted slots; (6) the number of filled family preservation day care slots; (7) the number of children receiving informal child care. Said report shall also include the daily rate paid for each day care slot in each of the aforementioned categories. Said report shall also include: (1) the number of clients currently enrolled in an approved educational activity that is a mandatory component of the MASSJOBS program; (2) the number of clients currently enrolled in an approved job skills training or job readiness or job development/placement activity that is a mandatory component of the MASSJOBS program; (3) the number of clients currently enrolled in each of the optional components of the MASSJOBS program specified in section 3.4 of the MASSJOBS program, state plan; (4) the number of former MASSJOBS clients currently in

their one year transition phase. Said report shall also include the number of clients requiring day care in each of the aforementioned categories.

SECTION 136. The department of education is hereby authorized and directed to conduct a comprehensive study relative to the feasibility of requiring children of recipients of aid to families with dependent children to attend school until they achieve a high school degree or its equivalent in order to receive aid from said department. Said study shall include, but not be limited to, the cost of enforcing such requirement, the potential effect on the dependent children of affected recipients, discussion of possible good cause exemptions based on state and federal education laws, and recommendations on protecting the rights of recipients to procedural due process. Said study shall include, but not be limited to, the effects of similar statutes in Wisconsin on recipients of aid to families with dependent children.

The department is further authorized and directed to study the feasibility of implementing a pilot program in the city of Lawrence providing for extracurricular activities for students in Kindergarten through grade eight from the end of the regular school day until the hour of six-thirty post meridian. The purpose of said pilot program shall be to alleviate the child care needs of parents of children enrolled in the Lawrence public school system and to provide jobs to public assistance recipients in said city. Said study shall include, but not be limited to, an analysis of programs which could be provided during a proposed after-school session, the number of potential participants throughout the city, the number of teachers, administrators and aides required to implement such program, and the cost of such program. Such after-school program should be designed to include at least two, twenty hour per week positions at each program site for participants in the state's full employment program. The commissioner of said department shall submit reports to the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-five.

SECTION 137. Subject to appropriation the secretary of human services is hereby authorized and directed to plan and implement a family service center demonstration project in the cities of Lawrence and Northampton. The program may continue for a period five years from the effective date of this act. Within said regions, all intake, service delivery, and case management functions of the department of transitional assistance, the department of medical assistance, the department of public health, the department of social ser-

vices, the department of youth services, the department of medical security, and the department of employment and training shall be centralized and consolidated within a single family service center.

Representatives from the appropriate child care resource and referral agency, the department of mental retardation, the department of mental health, the appropriate area home care corporation, the appropriate community development corporation and the bureau of special investigations shall be included in the demonstration by means of interagency agreement, contract or other appropriate mechanism. Said representatives shall assist with intake, service delivery, and case management as deemed appropriate by the secretary. The bureau of special investigations shall implement, oversee and maintain a comprehensive front-end fraud detection program for the family service center.

The family service center shall be under the supervision of a director who shall be appointed by the secretary of human services and shall not be subject to chapter thirty-one of the General Laws. All state employees engaged in or performing such in-take, service delivery, and case management within the region chosen for the family service center shall, at the discretion of the director with the advice and consent of the secretary of administration and finance and the secretary of human services, be transferred to and deemed employed by the said family service center.

Any employees of any administrative unit or agency transferred under the implementation of this act to the executive office of human services, who immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws are hereby transferred to the executive office of human services and every such transfer shall be without impairment of civil service status, seniority, retirement or other rights of the employees and without interruption of service within the meaning of said chapter thirty-one or said section nine A of said chapter thirty.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, lay off or abolition of position not prohibited prior to said effective date.

SECTION 138. The department of transitional assistance is hereby autho-

rized and directed to conduct a study on the feasibility and cost effectiveness of expanding the Parents Fair Share Pilot program in Hampden county to include the cities of Boston, New Bedford and Lawrence. The program shall provide job training and job placement services as well as parental responsibility training for young men who are presently, or soon to be parents. The study shall include an assessment of the Father's, Inc. Program of Boston, federal funding possibilities, public and private funding mechanisms, comparison of the effectiveness of existing public and private programs, assessment of anticipated costs. The department shall report the results of its study by filing the same with the house and senate committees on ways and means and the joint committee on human services and elderly affairs on or before May fifteenth, nineteen hundred and ninety-five.

SECTION 139. The department of transitional assistance is hereby authorized and directed to study the development of a Commonwealth Day Care Corps, a program whereby recipients of assistance provide child care services for other recipients and, as available, for other income-eligible parents, as determined by the department. The department must report to the house and senate committees on ways and means on the costs of said program, the number of recipients estimated to participate in said program, demonstrable savings, if any, arising from said program, and whether any provisions of said program require the approval of waivers or in any way conflict with existing state or federal law or regulations. Said report shall be delivered to the house and senate committees on ways and means on or before March thirty-first, nineteen hundred and ninety-five, in time to be considered as part of the appropriations process for fiscal year nineteen hundred and ninety-six.

SECTION 140. The department of transitional assistance is hereby authorized and directed to implement this act in accordance with the terms and conditions of waivers granted by the federal government and changes in rules, regulations and policies of the department that are promulgated to meet the intent of this act. In applying for such waivers, the department shall specify in its applications that the time period such waivers are intended to be in effect is seven years from the date of approval of said waivers in order that the effects of the modifications implemented by this act can be rigorously evaluated.

If the provisions of this act conflict with the provisions of any other general or special law, the provisions of this act shall supersede said con-

flicting provisions.

The department is hereby authorized and directed to expedite the acquisition of federal waiver and amendment approvals and the adoption of necessary statutory amendments in close and continuous coordination with appropriate federal officials, and to prepare and submit completely and in a timely manner all forms and data required by such federal officials. If changes other than those made by this act are required to gain waiver approval, the department shall seek amendments to state and federal statutes that are necessary to obtain said approval. The executive office of health and human services and the department shall, as soon as practicable, apply for and otherwise seek to obtain all exemptions and waivers from and amendments to federal statutes, rules and regulations necessary to implement the provisions of this act, at the earliest possible date.

Upon obtaining all such exemptions, waivers and amendments referred to herein, the department shall adopt such changes to current rules as may be required to implement the provisions of this section.

The department is hereby further authorized and directed to file with the house and senate committees on ways and means a copy of each such waiver application filed with the federal government, copies of correspondence to and from the federal government explaining and elaborating upon said applications, and final documentation of any waivers granted by the federal government upon their receipt. The department shall further file with said committees an explanation of how any waivers granted by the federal government will be implemented.

SECTION 141. Each provision of this act, shall, regardless of whether it includes a specific proviso, be subject to federal approval, if required, and federal financial participation. In any case in which the state fails to receive a waiver for any said provision of this act or otherwise would fail to receive federal financial participation in the implementation of such provision, then such provision shall not be implemented unless the full amount required for said implementation without federal participation is appropriated for said implementation.

SECTION 142. Any provision of this act that is inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement said provision.

SECTION 143. This act shall take effect upon its passage.

House of Representatives, February 9, 1995.

Passed to be enacted, Emanuel Lewis, Acting Speaker.

In Senate, February 9, 1995.

Passed to be enacted, Louis P. Bertonazzi, Acting President.

10 February, 1995.

Approved,

at eleven o'clock and 2 minutes, A. M.

William F. Weld

Governor.

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